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M. TULLII CICERONIS

PRO L. MURENA

ORATIO AD IUDICES

EDITED

WITH INTRODUCTION AND NOTES

BY

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PREFACE.

This Edition makes no pretence of competing with Mr. Heitland's, which has long enjoyed a high reputation, and is intended for a more advanced class of readers. I have thought it better to avoid consulting his Notes, except in very few instances.

The two editions of which I have made constant use are those of Halm-Laubmann (Berlin, 1893) and Koch-Landgraf (Leipzig, 1885). The text is that of the first-named. A Short Critical Appendix has been added, giving the more important various readings.

The Grammars referred to in the Notes are Dr. Kennedy's Public School Latin Grammar and Roby's Latin Grammar for Schools (R).

I shall be much obliged if schoolmasters and others who happen to use the book will point out any errors they may come across.

J. H. FREESE.

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INTRODUCTION.

1. The family to which the defendant, Lucius Licinius Murena,[1] belonged, came originally from Lanuvium, a *municipium* (see § 42) about sixteen miles from Rome, which was also the native town of Milo, and the place where the celebrated actor Roscius was educated. After the final subjugation of Latium in B.C. 338, it seems to have been treated with greater consideration than the other Latin towns: the Roman citizenship was conferred on its inhabitants, and they were allowed to retain their ancient rights and privileges.[2] As an independent *municipium*, it faithfully supported the Romans, notably in the Second Punic War.

2. No member of the family had as yet attained to the dignity of the consulship: the grandfather and great-grandfather of Murena had reached the praetorship. His father (of the same name as him-

[1] The name is supposed to be due to the large stock of lampreys kept in tanks (*vivaria*) by one of the family.

[2] Liv. viii. 14. *Lanuvinis civitas data sacraque sua reddita cum eo ut aedes lucusque Sospitae Iunonis* (cp. pro Murena, § 90) *communis Lanuvinis municipibus cum populo Romano esset.*

self) was a general of some distinction. After having held the office of praetor, he served under Sulla in Greece, and commanded one of the divisions of the army in a battle near Chaeronea (B.C. 86), in which Archelaus, the general of Mithridates, was defeated with great loss. In B.C. 84, Sulla concluded an armistice with the king, and in the following year returned to Italy, leaving Murena behind in Asia to settle the affairs of the country. The latter, actuated by a desire of plunder and eager to obtain the honour of a triumph, picked a quarrel with Mithridates, on the ground that he had not yet evacuated the whole of Cappadocia. Mithridates sent a message to Rome to complain of the conduct of Murena, who, in spite of the orders of the Senate, pushed on to the river Halys (B.C. 83), but was afterwards severely defeated, and compelled to withdraw into Phrygia. In B.C. 81, Sulla sent strict orders to Murena by Aulus Gabinius to discontinue hostilities. He thereupon returned to Rome, and in B.C. 80 was granted the honour of a triumph. It is not easy to see why such a distinction should have been conferred upon him, as he had gained no real victory over the enemy, and his exploits had chiefly consisted in plundering undefended country. Possibly it was intended as a kind of set-off to the trophies erected by Mithridates.

3. His son, the subject of this speech, had served under him, and took part in his triumph. After his

return to Rome he was elected quaestor (B.C. 74), together with Servius Sulpicius Rufus, his future accuser and rival for the consulship: neither of them, however, had any special opportunity of gaining distinction. When what is known as the Third Mithridatic War broke out (B.C. 74) he proceeded to Asia to join Lucius Licinius Lucullus, who was one of the two consuls sent out against Mithridates, and was a man distinguished for his literary and philosophical attainments, as well as for his military talents. Murena was intrusted by him with the siege of Amisus, a city of Pontus on the Euxine, and also of Tigranocerta, the capital of Armenia, which was afterwards taken by Lucullus himself. Murena returned to Rome before the conclusion of the war, and was one of ten commissioners sent out to organize the conquered districts.

4. Without having previously held the office of aedile, in B.C. 65 he was appointed to the praetorship, in which he had Sulpicius a second time as his colleague. He was intrusted with the *iuris dictio urbana*, while the far more laborious and unpleasant duty of conducting the *quaestio peculatus* fell to the lot of Sulpicius. During his praetorship, he celebrated the *ludi Apollinares* on a scale of great magnificence. In B.C. 64 he became pro-praetor of *Gallia Transalpina*, which he quitted early in B.C. 63, leaving his brother Gaius as his deputy, and returned to Rome, in order to prosecute his candidature for the consulship.

5. His fellow-competitors were Servius Sulpicius Rufus, Decius Iunius Silanus, and Lucius Sergius Catilina, of whom the two last had already been unsuccessful candidates. The elections, which were as a rule held at the end of July or the beginning of August, had for some unknown reason been put off until the 21st of October.[1] Shortly before, Catiline had summoned a private meeting of his supporters (*contio domestica*, § 50), at which he had expounded the social and political programme, which he promised to carry out if elected consul. Cicero, recognising the danger that threatened the State, delivered a speech in the Senate concerning the nefarious designs of Catiline on the day preceding the elections. The Senate thereupon resolved to discuss the state of public affairs upon the following day, instead of holding the consular *comitia*. The elections were in consequence adjourned, and Cicero employed the interval in taking precautionary measures that they might be conducted without disturbance. When they were held shortly afterwards (on the 28th), the choice of the electors fell upon Murena and Silanus.

6. After his defeat, Catiline resolved to hesitate no longer. His adherent, Gaius Manlius, who had been sent by him into Etruria, had already broken out into open revolt: and Catiline, finding it impossible to stay any longer in Rome, left the city on the

[1] See note on Chronological Table.

night of the 8th of November, after the delivery of the first oration against Catiline, and joined the rebel camp at Faesulae. It was at this time that Sulpicius, who considered himself superior to Murena in birth and ability, smarting under his recent defeat, and desirous of revenge, resolved to accuse Murena of *ambitus*, feeling sure that, if he could secure his condemnation, he would be elected to the consulship in his place.

7. The prosecuting counsel were Sulpicius, who had as *subscriptores* ('his juniors,' or 'those with him in the case,' as we should say) M. Porcius Cato, another Servius Sulpicius, and C. Postumus: on the side of the defendant was Cicero, supported by Q. Hortensius and M. Licinius Crassus.

Servius Sulpicius Rufus, a celebrated lawyer, was praetor B.C. 65, and consul B.C. 51. During the civil wars he sided with Caesar, by whom he was appointed proconsul of Achaia: he died in B.C. 43, while on an embassy to Antony at Mutina. He was an intimate friend of Cicero, who in this speech satirizes his profession, asserting that legal knowledge is of far less assistance towards the attainment of the consulship than the profession of arms. This sounds rather strange as coming from the mouth of the man who could give utterance to the sentiment: *Cedant arma togae, concedat laurea lauro:* but it is merely a bit of special pleading, as Cicero had to make out the best case he could for his client.

Marcus Porcius Cato Uticensis (B.C. 95-46) was the

great-grandson of Marcus Porcius Cato the Censor. He was a man of most severe morality, and a strict adherent of the doctrines of the Stoic school. Feeling strongly the evils of luxury and corruption, so rife at Rome, he endeavoured to do what he could to check them by his personal example, often going without sandals and making his journeys on foot. He carried out his official duties with the strictest integrity. To these qualities he united a strong feeling of patriotism, and distinct military ability. During the Catilinarian conspiracy, he rendered valuable assistance to Cicero, and was mainly instrumental in securing the punishment of the conspirators by death, in spite of the efforts of Caesar on their behalf. After the battle of Thapsus (B.C. 46) and defeat of the Pompeians, being determined not to submit to the rule of the future master of Rome, and faithful to the principles of his school, he committed suicide at Utica, thinking it better to die than to look upon the face of the tyrant. In this speech (c. xxix.) Cicero playfully rebukes his asceticism, and criticises from a common sense point of view the impracticable ideal of life which he advocated.

The *Servius Sulpicius*, called *adulescens* (§ 88), was tribune of the people: it is not known what was his relationship (if any) to his namesake.

Gaius Postumus had been an unsuccessful candidate for the praetorship during Cicero's consulship.

8. Cicero was supported by *Quintus Hortensius*

Ortalus (B.C. 114-51), an orator, statesman, and man of letters, who was in succession praetor and consul (B.C. 69). He commenced practice at the bar at the early age of nineteen, and, according to Cicero, immediately made his mark. He served as a volunteer during the Social War, and after his return to Rome on the conclusion of peace, had no rival in the Forum, with the possible exception of Cotta, whom he eventually left completely in the shade. Undisputed master of the law courts for thirteen years, up to the time of Cicero's return from his quaestorship in Sicily (B.C. 75), he amassed great wealth and lived in a correspondingly magnificent style, having fine villas outside Rome and a mansion in the capital. Down to B.C. 63, he usually supported the *nobiles*, in opposition to Cicero, but afterwards the two orators were generally found on the same side. From this time he was outstripped by his younger contemporary, partly, according to Cicero, in consequence of his peculiar style of oratory, which was of the florid and showy kind known as 'Asiatic,' from its prevalence in the Greek colonies of Asia Minor. His speeches, none of which are extant, were considered more effective when delivered than when read. He also wrote historical and poetical works.

On the same side also was *Marcus Licinius Crassus*, called *Dives.* He does not appear to have been at first in very opulent circumstances, but soon acquired vast wealth by educating slaves and selling

them at a high price: he had also been rewarded by Sulla with large donations of confiscated property. When praetor, he was intrusted with the conduct of the war against the gladiator Spartacus, whom he utterly defeated (B.C. 71). In the following year he was consul with Pompey. He is said to have been privy to the Catilinarian conspiracy, but it is hardly likely that he would have advocated the destruction of a city where he had so much to lose. In B.C. 60 he became a member of what is known as the first Triumvirate. In B.C. 55 he was a second time consul with Pompey. In accordance with an agreement made with Caesar, he was appointed to the province of Syria, to which he set out before the end of the year, with the intention of undertaking a campaign against the Parthians, being allured by the prospect of booty which their wealth held out. He was finally led into an ambuscade and slain, together with his son, at Carrhae (Haran) on the Euphrates (B.C. 53). According to Cicero (*Brutus*, § 233) he possessed little natural ability or learning, but by paying great attention to the cases in which he was engaged, and by personal influence, he succeeded in attaining a high position as an advocate. His language was correct and his style careful, but his speeches were dull, and his delivery monotonous.

9. The speech *pro Murena* was delivered in the latter half of November (B.C. 63), after Catiline had

himself left Rome, but before the execution of his accomplices who remained behind, at a time when Cicero must have been busily engaged in getting together evidence against them. Whatever we may think of the orator's honesty and integrity as a politician, with which we need not here concern ourselves, we must admit that this is a convincing proof of his great energy and power of work, which in many respects reminds us of the adaptability and versatile genius of an eminent statesman of our own times.

The charge brought against Murena was that of *ambitus* (δεκασμὸς), which is also the subject of the speech in defence of Plancius, which deals with an offence against the *lex Licinia de ambitu et sodaliciis.* The word literally meant 'going round' the Forum and Campus Martius to solicit votes, much like the house-to-house canvassing at elections at the present day. Afterwards, when bribery and corruption became part of a regularly organized system in the last two centuries of the Republic, the word came to bear the sense of any attempt to secure office by illegal means. Numerous laws were passed with the object of checking the evil, and those previously existing were from time to time made more stringent. Among these laws may be mentioned the *lex Calpurnia* or *Acilia-Calpurnia* passed during the consulship of Gaius Calpurnius Piso and Manius Acilius Glabro (B.C. 67), characterized by Cicero in this speech (§46)

as *severissime scripta.* By this law, anyone found guilty of bribery was deprived of the consulship if he had been elected to it, a heavy fine was imposed on him, and he was forbidden to hold any office in future or to show himself in the Senate,[1] the rival candidates who brought forward the charge being nominated in his stead. The law also appears to have fixed a punishment for the *divisores*, or election agents who distributed the money (see note on § 47).

The flagrantly corrupt practices by which Catiline and Antony endeavoured to promote their election when candidates for the consulship of the year B.C. 63 decided the Senate to introduce a still more stringent law.[2] This, which was not at first carried, was passed by Cicero himself during the year of his consulship. It was called after its author the *lex Tullia*, and supplemented the *lex Calpurnia.* It forbade candidates being met and accompanied by *hired* supporters, free seats at public spectacles being given to whole tribes, and free meals to the people *en masse*

[1] SCHOL. AD CIC. PRO SULLA: *aliquanto postea severior lex Calpurnia et pecunia multavit et in perpetuum honoribus carere iussit damnatos:* Dion Cassius, xxxvi. 21, *ἐπὶ μὲν δὴ τοῦ ’Ακιλίου τοῦ τε Πίσωνος ταῦτά τε οὕτως ἐγένετο, καὶ κατὰ τῶν δεκασμοῦ περὶ τὰς ἀρχὰς ἁλισκομένων ἐνομοθετήθη πρὸς αὐτῶν τῶν ὑπάτων* (consuls) *μήτε ἄρχειν μήτε βουλεύειν σφῶν μηδένα, ἀλλὰ καὶ χρήματα προσοφλισκάνειν.*

[2] ASCONIUS AD OR. IN TOGA CANDIDA: *cum in dies licentia ambitus augeretur propter praecipuam Catilinae et Antonii audaciam, censuerat senatus, ut lex ambitus aucta etiam poena ferretur.*

(see § 67). It also inflicted *poena gravior in plebem* (§ 47), *i.e.* all those of the lower classes who took part in bribery.[1] According to some, this punishment consisted in a fine, according to others, in temporary deprivation of their vote. The convicted persons were also to be banished for ten years.[2] Again, if a man failed to answer to the charge on the plea of illness, the trial was to go on just the same during his absence. Two further proposals of Sulpicius (for which see § 47 and notes) were rejected.

We may also mention the *lex Licinia de ambitu et sodaliciis*, passed eight years later during the consulship of Pompey and Crassus. Its object was to put down clubs (*sodalitates* or *collegia sodalicia*), organized for various political objects, agents being employed to mark out the tribes into smaller portions (*decuriationes*) so as to ensure thorough canvassing. In such trials the accuser was allowed to name the judges from the people in general.

10. Cases of *ambitus* were tried in what were known as *quaestiones perpetuae*, standing courts of inquiry appointed to try certain definite offences, such as *repetundae* (extortion), *maiestas* (treason) and *peculatus* (embezzlement or misappropriation of public moneys). In Cicero's time there were eight of these *quaestiones*, under the management of the praetor or

[1] Mommsen considers that this refers only to the *divisores*.

[2] Dion Cassius, xxxvii. 29 : *ἔδοξε τῇ βουλῇ ... δέκα ἐτῶν φυγὴν, τοῦ Κικέρωνος ἐς τὰ μάλιστα ἐνάγοντος, τοῖς ἐπιτιμίοις* (penalties) *τοῖς ἐπὶ τῷ δεκασμῷ τεταγμένοις προσνομοθετῆσαι.*

his representative: the president of each court was called *quaesitor.*

With certain exceptions, it was open to any one to bring a criminal charge against another, whether he had anything to do with the matter or not. In fact, in the absence of a public prosecutor the State rather encouraged this proceeding on the part of its citizens. The first thing to be done was to ask leave to prosecute from the praetor sitting in the open market-place (*postulatio*). If more than one person was anxious to undertake the case, recourse was had to *divinatio*, a curious term for a preliminary inquiry as to the most suitable person to conduct the prosecution: the idea apparently was that 'divine assistance' was looked to to enable a right decision to be formed on the matter. This was the case in the celebrated trial of Verres. Besides the chief prosecutor, others 'backed' or 'signed the indictment': these were the juniors or *subscriptores.*

After certain formalities, the date of the hearing of the case was fixed (*diei dictio*). The accuser first delivered his speech, and was followed by his juniors: then came the speeches for the defence. All these speeches were called *actiones.* Next came the proof of the case (*probatio*). Unless the trial was adjourned from want of sufficient evidence (*ampliatio*), or postponed with the consent of both parties until the third day (*comperendinatio*), the votes of the *iudices* were taken. The presiding

magistrate handed them wooden tablets covered with wax, bearing the letters A (= *absolvo*), C (= *condemno*), N.L. (= *non liquet*), *i.e.*, not guilty, guilty, or not proven. The result of the voting was then declared by the president, and the sentence, whether fine, loss of political rights, or banishment, immediately carried into effect.

The judges (*iudices*), or jury, as we should rather call them, were originally chosen from the senators by mutual agreement. Gaius Gracchus introduced a list (*album*, so called from the names being written in black letters on a board chalked or painted white) of *iudices* for the *quaestiones perpetuae*. This list, at first a permanent one, was afterwards annually revised by the *praetor urbanus:* during the Empire, the jury were nominated by the Emperor for life. Gracchus also (B.C. 123) transferred the right of acting as *iudices* from the senators to the knights, but the privilege was restored by Sulla (B.C. 80) to the Senate. Both classes were, as a matter of fact, equally unfit for the office: the senators, because they either had been or hoped to be provincial magistrates, whose extortions and oppression formed the subject of most criminal trials, and were thus unlikely to visit with severity offences of which they themselves had been or probably would be guilty: the knights, because they were the farmers of the taxes (*publicani*), and would be influenced in their judgment by the manner in which the governors

of the provinces had dealt with the exactions of their agents. In B.C. 70, by the *lex Aurelia* of the praetor Lucius Aurelius Cotta, the *iudices* were equally distributed amongst the senators, knights, and *tribuni aerarii*[1] who then appear as a distinct class: the last-named were, however, subsequently excluded by Caesar.

11. A few points of contrast between the manner of procedure in our own and the Roman law-courts may here be noted. We must in the first place get rid of our idea of a 'court,' stuffy buildings, inconveniently crowded on the occasion of a *cause célèbre*, and offering inadequate accommodation to those in any way concerned in the case. The Roman courts were held in the Forum in the open air. The praetor sat on a raised platform (*tribunal*); the clerks and jury sat round him on benches (*subsellia*), while still lower down, perhaps on the ground, were separate *subsellia* for the contending parties; the public stood round in a circle (*corona*). The senators in their loose gowns with the broad purple stripe (*tunica laticlavia*), and the *equites* with the narrower stripe (*tunica angusticlavia*), must have helped to make the scene a picturesque one.

In the next place, there were no professional advocates, as we should call them, nor (as men-

[1] Well-to-do plebeians, who in early times were charged with raising the war-tax (*tributum*) and the distribution of the pay of the soldiers. When the payment of the troops was handed over to the quaestors, it is not clear what position they held.

tioned above) any public prosecutor. By the *lex Cincia de muneribus* (B.C. 204) pleaders were forbidden to receive money or presents,[1] a law which continued in force until the time of the Emperor Claudius, when a *salarium* became general. Doubtless, however, the law was often evaded: at any rate, we learn that Cicero's great rival Hortensius received presents (a remarkably fine ivory statuette is mentioned), if not actual fees. In certain cases, *e.g.* when the defence of the rights or privileges of an allied state was undertaken, a fee was allowed. Curiously enough, special legal knowledge was not considered necessary on the part of the presiding magistrate or counsel; but, if they required, they could avail themselves of the specialists or *iuris consulti* (men learned in the law), whose quibbling and verbosity is ridiculed by Cicero (cp. especially §§ 26-28).

Praevaricatio, or collusion between the accuser and accused, was not uncommon. For a consideration the former agreed to make his attack milder, and thereby induce the jury to acquit the accused (cp. especially the *divinatio in Caecilium*). If this happened, the case might be tried over again, and a second prosecutor appointed. Any advocate convicted of *praevaricatio* was prohibited from exercising his profession, or otherwise punished. Similarly, it

[1] Tac. Ann. xi. 5, *legem Cinciam ... qua cavetur antiquitus, ne quis ob causam orandam pecuniam donumve accipiat;* Ovid. Am. i. 10, 39, *turpe reos empta miseros defendere lingua.*

was no uncommon thing for the jury to be 'got at' by bribes of money or presents; there were no means of keeping them apart by themselves, to prevent communication with the outside world.

Lastly, there was nothing to correspond to the judge's summing-up in our own courts. The presiding judges (*praetores*) were not necessarily possessed of any special knowledge of law, and, as they were changed frequently, their influence was exceedingly small in determining the verdict.

12. It must be remembered that some of Cicero's speeches were not delivered at all, as the five last *Verrine* orations and the *2nd Philippic:* the *pro Milone* was only delivered in part. They were all of them probably revised later, the *pro Murena* amongst the number, by Cicero himself and by Tiro, his slave, secretary, and friend.[1]

On this occasion Cicero himself spoke last, as was his usual custom; he left to Hortensius and Crassus the duty of attacking individual points of the accusation in detail, and devoted himself to showing how important it was politically that Murena should be acquitted. For, although there is little doubt that the latter had been guilty of offences against the law, his condemnation seemed likely, when affairs were in such a critical condition, to prove more dangerous than his

[1] Quint. x. 7, 31, *nam Ciceronis ad praesens modo tempus aptatos* (*commentarios*) *libertus Tiro contraxit.*

acquittal. Hence Cicero insists most strongly that it was of the greatest consequence that there should be two consuls on the 1st of January: at any cost, the risk of a stormy and riotous election was to be avoided.[1] Anyhow, the result of the trial was that Murena was acquitted, and held the office of consul during the year B.C. 62. We hear little of him afterwards: he appears to have strongly supported the Optimates, and to have defended his accuser Cato. He lived till the time of the civil wars, but never again held the government of a province or the command of an army.

13. The speech has always been held in high estimation. It is distinguished by strictly temperate language, and there is none of the violent invective that characterizes the Philippic and Catiline orations. This is probably to be attributed to the fact that his opponents, Sulpicius and Cato, were his intimate friends. The trial in no way diminished this intimacy. Cato, turning to his friends, consoled himself with the remark, 'What a witty consul we have!'[2] and at the end of the year stoutly defended him against Metellus.

Another feature is its 'light wit and good-

[1] Cf. pro Flacco, xxxix. 98, *defendi item consul L. Murenam, consulem designatum: nemo illorum iudicum clarissimis viris accusantibus audiendum sibi de ambitu putavit, cum bellum iam gerente Catilina omnes me auctore duos consules Kalendis Ianuariis scirent esse oportere.*

[2] Plut. Cat. 21, *τὸν οὖν Κάτωνά φασι διαμειδιάσαντα πρὸς τοὺς παρόντας εἰπεῖν· ὦ ἄνδρες, ὡς γελοῖον ὕπατον ἔχομεν.*

humoured raillery' (Forsyth). This is abundantly shown in Cicero's sarcastic treatment of the verbosity and quibbling of the lawyers, of the rigid adherence of the Stoics to dogmas that were contrary to all common sense, and of the severe and unbending morality of Cato which led him to regard the ordinary usages and courtesies of society as heinous offences. Knowing the great weight that attached to the authority and influence of Cato, Cicero endeavoured to counteract it by treating his principles in the tone he had adopted when dealing with the profession of Sulpicius. We may fitly conclude with the words of Quintilian, xi. 1. 68 sqq : *illic plus difficultatis, ubi ipsos, contra quos dicimus, veremur offendere. duae simul huiusmodi personae Ciceroni pro Murena dicenti obstiterunt, M. Catonis Servique Sulpici. Quam decenter tamen Sulpicio, cum omnes concessisset virtutes, scientiam petendi consulatus ademit! quid enim aliud esset, quo se victum homo nobilis et iuris antistes magis ferret? ut vero rationem defensionis suae reddidit, cum se studuisse petitioni Sulpici contra honorem Murenae, non idem debere accusationi contra caput diceret! quam molli autem articulo tractavit Catonem! cuius naturam summe admiratus non ipsius vitio, sed Stoicae sectae quibusdam in rebus factam. duriorem videri volebat, ut inter eos non forensem contentionem, sed studiosam disputationem crederes incidisse.*

OUTLINE OF THE SPEECH.

Exordium (§ 1–10).

§ 1, 2 (*tueatur*). The prayer that I offered up to the gods on the day of the election, I now again offer up on behalf of Murena and the interests of the state.

§ 2 (*et quoniam*)–§ 6. Before proceeding with the case, I must justify my conduct in undertaking the defence of Murena. I will answer Cato first. He says that I, who have passed a law against bribery, and shown myself so strict during my consulship, ought to have nothing to do with Murena's case. But who is a fitter person to defend a consul than another consul, especially one who guarantees another's fitness for the office? My sympathies also prompt me to do the best I can for one who is on the point of facing the dangers I have undergone myself. The political importance of the case I will deal with elsewhere. I certainly passed a law against bribery; but my contention is that in this case no offence has been committed, and therefore I am quite at liberty to defend Murena. There is nothing in this inconsistent with my behaviour in the case of Catiline. I acted then under a sense of public duty against my own inclinations: I would always rather defend than prosecute.

§ 7–10. Next, Sulpicius expresses himself as aggrieved because I neglect the ties of friendship and appear in opposition to his interests. When you were a candidate for the consulship, Sulpicius, I did everything I could for you, as you had a right to demand. But, although I assisted you

then to prevent the advancement of Murena, I cannot help you now, when Murena is in such a critical position. It would be utterly unworthy of me to abandon his defence. You yourself are ready to give even your opponents the benefit of your advice: do not be so unfair as to ask me to refuse mine to my friends. If considerations of friendship were allowed to have such weight, a consul-elect would never find any one to defend him.

Confutatio (§ 11-83).

I. § 11-14. *The private life of Murena.*

The first charge, which ought to have been the weightiest, is so feeble that it would almost seem as if it had been brought forward merely as a matter of form. He has been reproached with having been in Asia: certainly he was, but it was in the course of military service, in which he won great distinction: and it is all the more credit to him that he kept himself free from reproach in a country which has such an evil reputation. He has been called a mountebank. Really you ought to be careful before you bring such charges at random, and use the vocabulary of the streets against a consul. None of the milder forms of luxurious enjoyment can be brought against Murena: is it likely that he would have been guilty of the worst excesses? The charges against his personal character altogether fall to the ground.

II. § 15-53. *The respective claims of Sulpicius and Murena to the consulship contrasted.*

You laid great stress upon the superiority of your family to that of Murena. But a plebeian family may be just as honourable and respectable as a patrician: nor has your family distinguished itself much lately: in fact, I consider you as much a *novus homo* as myself, and it is just as

creditable to build up the reputation of a 'new' family as to revive the fallen fortunes of an old one. The last thing I expected to hear thrown in the teeth of a consul-elect was *novitas generis*: if it were a crime, I should certainly have heard of it myself at the time of my own election to the consulship. In the matter of birth and family there is nothing to choose between you (§ 15-18).

You tried to make something out of the fact that your name was announced first at the election for quaestorships: but that is no criterion of merit: somebody's name *must* be given out first. As far as your tenures of office were concerned, you neither of you had any opportunity of distinguishing yourselves, so that neither of you can claim superiority to the other (§ 19).

Your subsequent careers were widely different. You, Sulpicius, stayed at home and followed the legal profession. Murena served under Lucullus abroad with the greatest credit to himself, as is amply proved by the public despatches of his general. Military renown gives a man far greater claim to the consulship than legal reputation. It is pre-eminence in war that has won for us renown and empire: it is to our soldiers that we have to look for their preservation (§ 19-22).

You entertain too high an opinion of your profession as a jurist. Military ability stands first, and oratorical power has often been of service to the state: but your so-called profession is useless and paltry, depending, as it does, on mere legal quirks and quibbles. In earlier times, when only a certain class was in possession of the secrets of the law, it may have been of greater importance: but, now that everybody knows all about them, and they are at the service of all, it is seen how worthless they are, and no one even takes the trouble to ask your advice. Your profession is neither dignified nor influential: power of oratory is of far more use for the attainment of office (§ 23-30).

Everything, however, must give place to military ability, to which the state owes its pre-eminence.

Cato attempts to prove that the war with Mithridates was an unimportant one, and Mithridates an unworthy antagonist. My opinion is that, if the duration of the war, the battles that were fought, and the number of generals who took part in it be taken into consideration, Mithridates was the most redoubtable foe against whom we have ever had to contend (§ 31-34).

The fact that your name was read out first at the election of praetors was a mere accident; and, besides, there is nothing more uncertain than the whims of electors (§ 35-36).

Murena on that occasion laboured under two disadvantages: (1) he had not the soldiers to support him, as the army had not yet returned from Asia, and (2) he had given no public shows. Both these disadvantages had been removed when he was a candidate for the consulship (§ 37).

The support of the soldiers was of the greatest importance: but, even if you affect to despise this, you cannot do the same in regard to his magnificent display at the public games, which gained him the favour of the people, while you, not having had the chance of giving any shows, were at a disadvantage in this respect (§ 38-40).

If, notwithstanding, you refuse to consider that this gave him any advantage over you, contrast your respective praetorships. To Murena fell the city praetorship, which gave him ample opportunity of gaining public favour: to you the conduct of cases of 'embezzlement,' in which you could hardly help giving offence and in any case had little chance of securing active goodwill (§ 41-42 *cui dolet*).

You refused to accept the government of a province. Praiseworthy enough: but Murena's acceptance of one was a distinct advantage to him. You were certainly able to assist your friends at home by your advice in matters of law: but

you must remember that a good many of them would probably have preferred to see you in a province (§ 42 *postremo*—end).

I have shown, gentlemen, that each of the candidates had equal claims to the consulship, but that in their respective spheres of action Murena had distinctly the advantage: I now proceed to state in what the further superiority of Murena consisted, which I pointed out to his opponent some time before. I often told you, Servius, that you did not know how to canvass for the consulship: such threats as you uttered daily against Murena only weaken the zeal of a candidate's friends and tend to make people think that he himself feels that his hopes of success are diminishing. No sooner does a man threaten accusations against his fellow-candidate, and begin to rake up evidence against him, than the people withdraw their support, not to mention that he himself cannot devote his whole energies to the prosecution of his candidature. The same man cannot possibly support the labour of canvassing and preparing an indictment: few can manage one of them, nobody can successfully carry out both (§ 43-46 *consumpseris*).

Your demand for severer legislation gave general offence and hindered your chances of success (§ 46 *consumpseris*, § 47).

What, however, did you the greatest harm was the little interest you displayed in public affairs at a time when Catiline showed himself so confident of success, for this conduct of yours made people turn to Murena (§ 48-53).

III. *The charge of bribery and corruption* (§ 54-83 *ad quod velis negotium*).

Let me first express my sorrow at seeing Murena accused by old friends, who have no grudge against him which might justify their conduct (§ 54-56).

I will first reply to the charges brought by Postumus and

the younger Servius.[1] . . . I now come to Cato, whose great weight and authority, gentlemen, must not be allowed to influence you in favour of a decision adverse to my client: such influence ought rather to be directed to the assistance of accused persons: it would be monstrous to imagine that Cato would never have come into court as a prosecutor unless he had already made up his mind that the defendant was guilty (§ 57-59).

It is a pity, Cato, that you are such an unbending adherent of Stoic principles: you would otherwise have behaved with less harshness, and have moderated your language in the Senate. Unite the affability of your great-grandfather with your own strictness, and the result will be a great improvement (§ 60-66).

I repeat, Cato's name and influence must be disregarded. If the alleged offences can be proved against Murena, I shall be as ready as he is to admit that he has acted illegally, and to press for his punishment (§ 67-68 *concedam*).

(1) It is said that 'many went out to meet him on his retirement from his province.' What is there in that? The contrary would have been more remarkable: it was no more than he deserved (§ 68 *multi obviam*, § 69).

(2) It is said that 'many followed him about in public.' If it can be proved that they were *hired* to do so, I grant it was illegal: otherwise, nothing can be said against it. Do not deprive the lower classes of this chance of showing their gratitude (§ 70-71).

(3) It is said that 'free seats at the shows were given to whole tribes and meals to the people *en masse*.' This cannot be proved: the most that can be said is that such things were done in a few cases, but not in the case of *all* his 'fellow-tribesmen' or of *all* the people, and this is the ordinary custom, about which there is nothing illegal (§ 72-73).

[1] See note on text (§ 57).

Do not be too severe, Cato, on the institutions of our ancestors. We Romans, who know how to alternate work and enjoyment, have fared better than those who lived in the greatest simplicity. Too strict adherence to Stoic principles lost Q. Tubero, a most excellent citizen, his praetorship. You yourself are not consistent: you have a *nomenclator* (see note on § 77): judged by the standard of your school, this is a grave offence. Be reasonable, therefore, and leave the people to enjoy the pleasures instituted by your ancestors, and do not deprive candidates of the pleasure of being generous (§ 73-77).

You say that the interests of the state have led you to bring the charge: you may think so, but the interests of the state demand exactly the opposite. It is of the greatest importance that there should be two consuls in Rome on the 1st of January. The dangers threatening from Catiline and his party make it incumbent upon you to do your best to retain the services of a capable consul to assist the state in its emergency (§ 78-83 *quod velis negotium*).

IV. *Epilogus* (§ 83 *quamquam*-90).

The decision rests with you, gentlemen of the jury: but remember that you will give your vote, not only upon the safety of Murena, but also upon your own. The enemy is within our gates,—aye, even within the walls of the Senate. Heaven grant that his infamous designs may be crushed! Have compassion upon Murena: do not destroy the pleasure of the congratulations recently offered him, and aggravate his bodily pain. If he loses his consulship, he loses everything: although, far from the office of consul being one to be envied, it seems to me rather worthy of commiseration. Should he be condemned, whither can he betake himself?

For the sake of his dead father and of his race and family,

for his own sake and for that of the honourable borough of Lanuvium, members of which you have seen in court throughout the trial, I ask you to restore its consul to the state, and, if my recommendation and arguments have any weight, I commend him to you without reserve.

CHRONOLOGICAL TABLE.

B.C.

106. Cicero born at Arpinum, Jan. 3.

89. Serves in the Social War.

81. His first speech: *pro Quinctio.*

80. *Pro Roscio Amerino.*

79. Journey to Greece.

78. Visit to Athens: studies in Asia Minor and Rhodes.

77. Return to Rome.

76. *Pro Roscio Comoedo.*

75. Quaestor at Lilybaeum.

74. Enters the Senate.

72 (or 71). *Pro Tullio.*

70. *Verrine* orations.

69. Curule Aedileship: *pro Fonteio, pro Caecina.*

66. Praetorship: *pro lege Manilia* (or, *de imperio Cn. Pompeii*), *pro A. Cluentio Habito* (*Avito*).

63. Consulship: *de lege agraria contra Rullum, pro C. Rabirio.*

Oct. 20, Speech in the Senate on the dangerous position of the State.

Oct. 21, Date fixed for holding the consular comitia, which had been adjourned from July:[1] in consequence of Cicero's speech of the previous day, elections again adjourned, and a meeting of the Senate held instead, in which Catiline's designs are exposed, and full powers conferred upon the consuls to take measures for the safety of the State.

Oct. 27, Manlius raises the standard of revolt in Etruria.

Oct. 28, The elections held.

Nov. 6/7, Meeting of conspirators at Laeca's house.[2]

[1] According to another view, the comitia were not put off until October, but were held, after a short adjournment, in the month of July as usual.

[2] Others put the meeting at Laeca's house Nov. 5/6: the first speech Nov. 7: the second Nov. 8.

Nov. 8, First speech *against Catiline*, who quits Rome the same night.

Nov. 9, Second speech *against Catiline.*

Dec. 3, Third speech *against Catiline.*

Dec. 5, Fourth speech *against Catiline.* Execution of Lentulus and the conspirators.

Pro Murena (delivered sometime between the departure of Catiline from Rome and the punishment of the conspirators).

62. *Pro Sulla.*

61 (or 62). *Pro Archia poeta.*

59. *Pro Valerio Flacco.*

58. Cicero banished: quits Rome at beginning of April: retires to Macedonia.

57. Recalled from exile: returns to Rome Sept. 4: speeches of thanks to the Senate and people: *cum senatui gratias egit: cum populo gratias egit: de domo sua ad pontifices.*

56. *De haruspicum responsis: pro Sestio: in Vatinium: pro Caelio: de provinciis consularibus: pro Balbo.*

55. *In Pisonem.*

54. *Pro Plancio: pro Rabirio Postumo: pro Gabinio.*

53. Elected into the College of Augurs.

52. *Pro Milone.*

51. Proconsul in Cilicia.

46. *Pro M. Marcello, pro Q. Ligario, pro rege Deiotaro* (or 45).

44. Assassination of Julius Caesar (March 15): fourteen *Philippics* (up to April 43).

43. Battle of Mutina (end of April): murder of Cicero (Dec. 7).

M. TULLII CICERONIS
PRO L. MURENA ORATIO
AD IUDICES.

I. Quod precatus a dis immortalibus sum, iudices, 1
more institutoque maiorum illo die, quo auspicato comitiis centuriatis L. Murenam consulem renuntiavi, ut ea res mihi, fidei magistratuique meo, populo plebique Romanae bene atque feliciter eveniret, idem precor ab isdem dis immortalibus ob eiusdem hominis consulatum una cum salute obtinendum, et ut vestrae mentes atque sententiae cum populi Romani voluntatibus suffragiisque consentiant eaque res vobis populoque Romano pacem, tranquillitatem, otium concordiamque adferat. Quodsi illa sollemnis comitiorum precatio consularibus auspiciis consecrata tantam habet in se vim et religionem, quantam rei publicae dignitas postulat, idem ego sum precatus, ut iis quoque hominibus, quibus hic consulatus me rogante datus esset, ea res fauste, feliciter prospereque
eveniret. Quae cum ita sint, iudices, et cum omnis 2
deorum immortalium potestas aut translata sit ad vos aut certe communicata vobiscum, idem consulem

vestrae fidei commendat, qui antea dis immortalibus commendavit, ut eiusdem hominis voce et declaratus consul et defensus beneficium populi Romani cum vestra atque omnium civium salute tueatur.

Et quoniam in hoc officio studium meae defensionis ab accusatoribus atque etiam ipsa susceptio causae reprehensa est, antequam pro L. Murena dicere instituo, pro me ipso pauca dicam, non quo mihi potior hoc quidem in tempore sit officii mei quam huiusce salutis defensio, sed ut, meo facto vobis probato, maiore auctoritate ab huius honore, fama fortunisque omnibus inimicorum impetus propulsare possim.

3 II. Et primum M. Catoni vitam ad certam rationis normam derigenti et diligentissime perpendenti momenta officiorum omnium de officio meo respondebo. Negat fuisse rectum Cato me et consulem et legis ambitus latorem et tam severe gesto consulatu causam L. Murenae attingere. Cuius reprehensio me vehementer movet, non solum ut vobis, iudices, quibus maxime debeo, verum etiam ut ipsi Catoni, gravissimo atque integerrimo viro, rationem facti mei probem. A quo tandem, M. Cato, est aequius consulem defendi quam a consule? Quis mihi in re publica potest aut debet esse coniunctior quam is, cui res publica a me iam traditur sustinenda, magnis meis laboribus et periculis sustentata? Quodsi in iis rebus repetendis, quae mancipi sunt, is periculum iudicii praestare debet, qui se nexu obligavit, profecto etiam rectius in iudicio consulis designati is potissimum [consul], qui consulem declaravit, auctor beneficii populi Romani defensorque periculi esse debebit.

Ac si, ut nonnullis in civitatibus fieri solet, patronus 4
huic causae publice constitueretur, is potissimum summo honore adfecto defensor daretur, qui eodem honore praeditus non minus adferret ad dicendum auctoritatis quam facultatis. Quodsi e portu solventibus ii, qui iam in portum ex alto invehuntur, praecipere summo studio solent et tempestatum rationem et praedonum et locorum, quod natura fert, ut iis faveamus, qui eadem pericula, quibus nos perfuncti sumus, ingrediantur, quo tandem me esse animo oportet prope iam ex magna iactatione terram videntem in hunc, cui video maximas rei publicae tempestates esse subeundas? Quare, si est boni consulis non solum videre, quid agatur, verum etiam providere, quid futurum sit, ostendam alio loco, quantum salutis communis intersit duos consules in re
publica Kalendis Ianuariis esse. Quod si ita est, 5
non tam me officium debuit ad hominis amici fortunas quam res publica consulem ad communem salutem defendendam vocare. III. Nam quod legem de ambitu tuli, certe ita tuli, ut eam, quam mihimet ipsi iam pridem tuleram de civium periculis defendendis, non abrogarem. Etenim, si largitionem factam esse confiterer idque recte factum esse defenderem, facerem improbe, etiamsi alius legem tulisset: cum vero nihil commissum contra legem esse defendam, quid est, quod meam defensionem latio legis im-
pediat? Negat esse eiusdem severitatis, Catilinam 6
exitium rei publicae intra moenia molientem verbis et paene imperio ex urbe expulisse et nunc pro L. Murena dicere. Ego autem has partes lenitatis et misericordiae, quas me natura ipsa docuit, semper

egi libenter, illam vero gravitatis severitatisque personam non appetivi, sed ab re publica mihi impositam sustinui, sicut huius imperii dignitas in summo periculo civium postulabat. Quodsi tum, cum res publica vim et severitatem desiderabat, vici naturam et tam vehemens fui quam cogebar, non quam volebam, nunc, cum omnes me causae ad misericordiam atque ad humanitatem vocent, quanto tandem studio debeo naturae meae consuetudinique servire? Ac de officio defensionis meae ac de ratione accusationis tuae fortasse etiam alia in parte orationis dicendum nobis erit.

7 Sed me, iudices, non minus hominis sapientissimi atque ornatissimi, Ser. Sulpicii, conquestio quam Catonis accusatio commovebat, qui gravissime et acerbissime ferre *se* dixit me familiaritatis necessitudinisque oblitum causam L. Murenae contra se defendere. Huic ego, iudices, satis facere cupio vosque adhibere arbitros. Nam cum grave est vere accusari in amicitia, tum, etiam si falso accuseris, non est neglegendum. Ego, Ser. Sulpici, me in petitione tua tibi omnia studia atque officia pro nostra necessitudine et debuisse confiteor et praestitisse arbitror. Nihil tibi consulatum petenti a me defuit, quod esset aut ab amico aut a gratioso aut a consule postulandum. Abiit illud tempus; mutata ratio est. Sic existimo, sic mihi persuadeo, me tibi contra honorem *L.* Murenae, quantum tu a me postulare ausus sis, tantum debuisse,
8 contra salutem nihil debere. Neque enim, si tibi tum, cum peteres consulatum, adfui, nunc, cum Murenam ipsum petas, adiutor eodem pacto esse debeo. Atque hoc non modo [non] laudari, sed ne concedi quidem

potest, ut amicis nostris accusantibus non etiam
alienissimos defendamus. IV. Mihi autem cum Mu-
rena, iudices, et magna et vetus amicitia est, quae
in capitis dimicatione a Ser. Sulpicio non idcirco
obruetur, quod ab eodem in honoris contentione
superata est. Quae si causa non esset, tamen vel
dignitas hominis vel honoris eius, quem adeptus est,
amplitudo summae mihi superbiae crudelitatisque
famam inussisset, si hominis et suis et populi
Romani ornamentis amplissimi causam tanti periculi
repudiassem. Neque enim iam mihi licet neque
est integrum, ut meum laborem hominum periculis
sublevandis non impertiam. Nam cum praemia
mihi tanta pro hac industria sint data, quanta antea
nemini, sic *existimo, quos labores beneficii adipiscendi spe*
*sus*ceperis, eos, cum adeptus sis, deponere, esse hominis
et astuti et ingrati. Quodsi licet desinere, si te 9
auctore possum, si nulla inertiae, nulla superbiae,
nulla inhumanitatis culpa suscipitur, ego vero liben-
ter desino; sin autem fuga laboris desidiam, re-
pudiatio supplicum superbiam, amicorum neglectio
improbitatem coarguit, nimirum haec causa est eius
modi, quam nec industrius quisquam nec misericors
nec officiosus deserere possit. Atque huiusce rei
coniecturam de tuo ipsius studio, Servi, facillime
ceperis. Nam si tibi necesse putas etiam adversariis
amicorum tuorum de iure consulentibus respondere,
et si turpe existimas te advocato illum ipsum, quem
contra veneris, causa cadere, noli tam esse iniustus,
ut, cum tui fontes vel inimicis tuis pateant, nostros
etiam amicis putes clausos esse oportere. Etenim, 10
si me tua familiaritas ab hac causa removisset, et si

hoc idem Q. Hortensio, M. Crasso, clarissimis viris, si idem ceteris, a quibus intellego tuam gratiam magni aestimari, accidisset, in ea civitate consul designatus defensorem non haberet, in qua nemini umquam infimo maiores nostri patronum deesse voluerunt. Ego vero, iudices, ipse me existimarem nefarium, si amico, crudelem, si misero, superbum, si consuli defuissem. Quare, quod dandum est amicitiae, large dabitur a me, ut tecum agam, Servi, non secus ac si meus esset frater, qui mihi est carissimus, isto in loco; quod tribuendum est officio, fidei, religioni, id ita moderabor, ut meminerim me contra amici studium pro amici periculo dicere.

11 V. Intellego, iudices, tres totius accusationis partes fuisse, et earum unam in reprehensione vitae, alteram in contentione dignitatis, tertiam in criminibus ambitus esse versatam. Atque harum trium partium prima illa, quae gravissima debebat esse, ita fuit infirma et levis, ut illos lex magis quaedam accusatoria quam vera male dicendi facultas de vita L. Murenae dicere aliquid coëgerit. Obiecta est enim Asia; quae ab hoc non ad voluptatem et luxuriam expetita est, sed in militari labore peragrata. Qui si adulescens patre suo imperatore non meruisset, aut hostem aut patris imperium timuisse aut a parente repudiatus videretur. An, cum sedere in equis triumphantium praetextati potissimum filii soleant, huic donis militaribus patris triumphum decorare fugiendum fuit, ut rebus communiter gestis
12 paene simul cum patre triumpharet? Hic vero, iudices, et fuit in Asia et viro fortissimo, parenti suo, magno adiumento in periculis, solacio in labori-

bus, gratulationi in victoria fuit. Et si habet Asia suspicionem luxuriae quandam, non Asiam numquam vidisse, sed in Asia continenter vixisse laudandum est. Quam ob rem non Asiae nomen obiciendum Murenae fuit, ex qua laus familiae, memoria generi, honos et gloria nomini constituta est, sed aliquod aut in Asia susceptum aut ex Asia deportatum flagitium ac dedecus. Meruisse vero stipendia in eo bello, quod tum populus Romanus non modo maximum, sed etiam solum gerebat, virtutis, patre imperatore libentissime meruisse pietatis, finem stipendiorum patris victoriam ac triumphum fuisse felicitatis fuit. Maledicto quidem idcirco nihil in hisce rebus loci est, quod omnia laus occupavit.

VI. Saltatorem appellat L. Murenam Cato. Male- 13
dictum est, si vere obicitur, vehementis accusatoris, sin falso, maledici conviciatoris. Quare, cum ista sis auctoritate, non debes, Marce, adripere maledictum ex trivio aut ex scurrarum aliquo convicio neque temere consulem populi Romani saltatorem vocare, sed circumspicere, quibus praeterea vitiis adfectum esse necesse sit eum, cui vere istud obici possit. Nemo enim fere saltat sobrius, nisi forte insanit, neque in solitudine neque in convivio moderato atque honesto. Tempestivi convivii, amoeni loci, multarum deliciarum comes est extrema saltatio. Tu mihi adripis hoc, quod necesse est omnium vitiorum esse postremum, relinquis illa, quibus remotis hoc vitium omnino esse non potest. Nullum turpe convivium, non amor, non comissatio, non libido, non sumptus ostenditur; et, cum ea non reperiantur, quae voluptatis nomen habent, quam-

potest, ut amicis nostris accusantibus non etiam
alienissimos defendamus. IV. Mihi autem cum Mu-
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modi, quam nec industrius quisquam nec misericors
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11 V. Intellego, iudices, tres to[illegible] fuisse, et earum unam in reprehensione vitae, a[illegible] in contentione dignitatis, tertiam in criminibus a[illegible]bitus esse versatam. Atque harum trium partium prima illa, quae gravissima debebat esse, ita fuit infirma et levis, ut illos lex magis quaedam accusatoria quam vera male dicendi facultas de vita L. Murenae dicere aliquid coëgerit. Obiecta est enim Asia; quae ab hoc non ad voluptatem et luxuriam expetita est, sed in militari labore peragrata. Qui si adulescens patre suo imperatore non meruisset, aut hostem aut patris imperium timuisse aut a parente repudiatus videretur. An, cum sedere in equis triumphantium praetextati potissimum filii soleant, huic donis militaribus patris triumphum decorare fugiendum fuit, ut rebus communiter gestis
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bus, gratulationi in victoria fuit. Et si habet Asia suspicionem luxuriae quandam, non Asiam numquam vidisse, sed in Asia continenter vixisse laudandum est. Quam ob rem non Asiae nomen obiciendum Murenae fuit, ex qua laus familiae, memoria generi, honos et gloria nomini constituta est, sed aliquod aut in Asia susceptum aut ex Asia deportatum flagitium ac dedecus. Meruisse vero stipendia in eo bello, quod tum populus Romanus non modo maximum, sed etiam solum gerebat, virtutis, patre imperatore libentissime meruisse pietatis, finem stipendiorum patris victoriam ac triumphum fuisse feli[illegible] [illegible]. Maledicto quidem idcirco nihil in mihi tant[illegible] [illegible] quod omnia laus occupavit.

nem[illegible] Saltatorem appellat L. Murenam Cato. Male- 13
dictum est, si vere obicitur, vehementis accusatoris, sin falso, maledici conviciatoris. Quare, cum ista sis auctoritate, non debes, Marce, adripere maledictum ex trivio aut ex scurrarum aliquo convicio neque temere consulem populi Romani saltatorem vocare, sed circumspicere, quibus praeterea vitiis adfectum esse necesse sit eum, cui vere istud obici possit. Nemo enim fere saltat sobrius, nisi forte insanit, neque in solitudine neque in convivio moderato atque honesto. Tempestivi convivii, amoeni loci, multarum deliciarum comes est extrema saltatio. Tu mihi adripis hoc, quod necesse est omnium vitiorum esse postremum, relinquis illa, quibus remotis hoc vitium omnino esse non potest. Nullum turpe convivium, non amor, non comissatio, non libido, non sumptus ostenditur; et, cum ea non reperiantur, quae voluptatis nomen habent, quam-

quam vitiosa sunt, in quo ipsam luxuriam reperire
non potes, in eo te umbram luxuriae reperturum
14 putas? Nihil igitur in vitam L. Murenae dici
potest, nihil, inquam, omnino, iudices. Sic a me
consul designatus defenditur, ut eius nulla fraus,
nulla avaritia, nulla perfidia, nulla crudelitas, nullum
petulans dictum in vita proferatur. Bene habet;
iacta sunt fundamenta defensionis. Nondum enim
nostris laudibus, quibus utar postea, sed prope
inimicorum confessione virum bonum atque integrum
hominem defendimus. Quo constituto facilior est
mihi aditus ad contentionem dignitatis, quae pars
altera fuit accusationis.

15 VII. Summam video esse in te, Ser. Sulpici,
dignitatem generis, integritatis, industriae ceter-
orumque ornamentorum omnium, quibus fretum ad
consulatus petitionem adgredi par est. Paria cog-
nosco esse ista in L. Murena, atque ita paria, ut
neque ipse dignitate *a te* vinci potuerit neque te
dignitate superarit. Contempsisti L. Murenae genus,
extulisti tuum. Quo loco si tibi hoc sumis, nisi qui
patricius sit, neminem bono esse genere natum,
facis, ut rursus plebes in Aventinum sevocanda esse
videatur. Sin autem sunt amplae et honestae
familiae plebeiae, et proavus L. Murenae et avus
praetor fuit, et pater, cum amplissime atque honestis-
sime ex praetura triumphasset, hoc faciliorem huic
gradum consulatus adipiscendi reliquit, quod is iam
16 patri debitus a filio petebatur. Tua vero nobilitas,
Ser. Sulpici, tametsi summa est, tamen hominibus
litteratis et historicis est notior, populo vero et
suffragatoribus obscurior. Pater enim fuit equestri

loco, avus nulla illustri laude celebratus. Itaque non ex sermone hominum recenti, sed ex annalium vetustate eruenda memoria est nobilitatis tuae. Quare ego te semper in nostrum numerum adgregare soleo, quod virtute industriaque perfecisti, ut, cum equitis Romani esses filius, summa tamen amplitudine dignus putarere. Nec mihi umquam minus in Q. Pompeio, novo homine et fortissimo viro, virtutis esse visum est quam in homine nobilissimo, M. Aemilio. Etenim eiusdem animi atque ingenii est posteris suis, quod Pompeius fecit, amplitudinem nominis, quam non acceperit, tradere et, ut Scaurus, memoriam prope intermortuam generis
sua virtute renovare. VIII. Quamquam ego iam **17**
putabam, iudices, multis viris fortibus ne ignobilitas generis obiceretur, meo labore esse perfectum, qui non modo Curiis, Catonibus, Pompeiis, antiquis illis fortissimis viris, sed his recentibus, Mariis et Didiis et Caeliis, commemorandis iacebant. Cum vero ego tanto intervallo claustra ista nobilitatis refregissem, ut aditus ad consulatum posthac, sicut apud maiores nostros fuit, non magis nobilitati quam virtuti pateret, non arbitrabar, cum ex familia vetere et illustri consul designatus ab equitis Romani filio consule defenderetur, de generis novitate accusatores esse dicturos. Etenim mihi ipsi accidit, ut cum duobus patriciis, altero improbissimo atque audacissimo, altero modestissimo atque optimo viro, peterem; superavi tamen dignitate Catilinam, gratia Galbam. Quodsi id crimen homini novo esse deberet, profecto mihi neque inimici neque invidi
defuissent. Omittamus igitur de genere dicere, **18**

cuius est magna in utroque dignitas; videamus cetera.

'Quaesturam una petiit, et sum ego factus prior.' Non est respondendum ad omnia. Neque enim vestrum quemquam fugit, cum multi pares dignitate fiant, unus autem primum *locum* solus possit obtinere, non eundem esse ordinem dignitatis et renuntiationis, propterea quod renuntiatio gradus habeat, dignitas autem sit persaepe eadem omnium. Sed quaestura utriusque propemodum pari momento sortis fuit. Habuit hic lege Titia provinciam tacitam et quietam, tu illam, cui, cum quaestores sortiuntur, etiam adclamari solet, Ostiensem, non tam gratiosam et illustrem quam negotiosam et molestam. Consedit utriusque nomen in quaestura; nullum enim vobis sors campum dedit, in quo excurrere virtus cognoscique posset. Reliqui temporis spatium in contentionem vocatur; ab utroque
19 dissimillima ratione tractatum est. IX. Servius hic nobiscum hanc urbanam militiam respondendi, scribendi, cavendi, plenam sollicitudinis ac stomachi secutus est; ius civile didicit, multum vigilavit, laboravit, praesto multis fuit, multorum stultitiam perpessus est, adrogantiam pertulit, difficultatem exsorbuit; vixit ad aliorum arbitrium, non ad suum. Magna laus et grata omnibus unum hominem elaborare in ea scientia, quae sit multis
20 profutura. Quid Murena interea? Fortissimo et sapientissimo viro, summo imperatori legatus, L. Lucullo, fuit; qua in legatione duxit exercitum, signa contulit, manum conseruit, magnas copias hostium fudit, urbes partim vi, partim obsidione

cepit, Asiam istam refertam et eandem delicatam sic obiit, ut in ea neque avaritiae neque luxuriae vestigium reliquerit; maximo in bello sic est versatus, ut hic multas res et magnas sine imperatore gesserit, nullam sine hoc imperator. Atque haec quamquam praesente L. Lucullo loquor, tamen ne ab ipso propter periculum nostrum concessam videamur habere licentiam fingendi, publicis litteris testata sunt omnia, quibus L. Lucullus tantum *huic* laudis impertit, quantum neque ambitiosus imperator neque invidus tribuere alteri in communicanda gloria debuit. Summa in utroque est ho- **21**
nestas, summa dignitas; quam ego, si mihi per Servium liceat, parem atque in eadem laude ponam. Sed non licet; agitat rem militarem, insectatur totam hanc legationem, adsiduitatis et operarum harum cotidianarum putat esse consulatum. 'Apud exercitum mihi fueris,' inquit, 'tot annos? forum non attigeris? afueris tam diu et, cum longo intervallo veneris, cum his, qui in foro habitarint, de dignitate contendas?' Primum ista nostra adsiduitas, Servi, nescis quantum interdum adferat hominibus fastidii, quantum satietatis. Mihi quidem vehementer expediit positam in oculis esse gratiam; sed tamen ego mei satietatem magno meo labore superavi et tu item fortasse; verum tamen utrique nostrum desiderium nihil obfuisset. Sed ut, hoc **22**
omisso, ad studiorum atque artium contentionem revertamur, qui potest dubitari, quin ad consulatum adipiscendum multo plus adferat dignitatis rei militaris quam iuris civilis gloria? Vigilas tu de nocte, ut tuis consultoribus respondeas, ille, ut eo,

quo intendit, mature cum exercitu perveniat; te gallorum, illum bucinarum cantus exsuscitat; tu actionem instituis, ille aciem instruit; tu caves, ne tui consultores, ille, ne urbes aut castra capiantur; ille tenet et scit, ut hostium copiae, tu, ut aquae pluviae arceantur; ille exercitatus est in propagandis finibus, tu in regendis. Ac nimirum (dicendum est enim quod sentio) rei militaris virtus praestat ceteris omnibus. X. Haec nomen populo Romano, haec huic urbi aeternam gloriam peperit, haec orbem terrarum parere huic imperio coëgit; omnes urbanae res, omnia haec nostra praeclara studia et haec forensis laus et industria latent in tutela ac praesidio bellicae virtutis. Simul atque increpuit suspicio tumultus, artes ilico nostrae conticescunt.

23 Et quoniam mihi videris istam scientiam iuris tamquam filiolam osculari tuam, non patiar te in tanto errore versari, ut istud nescio quid, quod tanto opere dilexisti, praeclarum aliquid esse arbitrere. Aliis ego te virtutibus, continentiae, gravitatis, iustitiae, fidei, ceteris omnibus, consulatu et omni honore semper dignissimum iudicavi; quod quidem ius civile didicisti, non dicam, operam perdidisti, sed illud dicam, nullam esse in ista disciplina munitam ad consulatum viam. Omnes enim artes, quae nobis populi Romani studia concilient, et admirabilem dignitatem et pergratam utilitatem debent habere.

24 XI. Summa dignitas est in iis, qui militari laude antecellunt; omnia enim, quae sunt in imperio et in statu civitatis, ab his defendi et firmari putantur; summa etiam utilitas, si quidem eorum consilio et

periculo cum re publica, tum etiam nostris rebus perfrui possumus. Gravis etiam illa est et plena dignitatis facultas, quae saepe valuit in consule deligendo, posse consilio atque oratione et senatus et populi et eorum, qui res iudicant, mentes permovere. Quaeritur consul, qui dicendo nonnumquam comprimat tribunicios furores, qui concitatum populum flectat, qui largitioni resistat. Non mirum, si ob hanc facultatem homines saepe etiam non nobiles consulatum consecuti sunt, praesertim cum haec eadem res plurimas gratias, firmissimas amicitias, maxima studia pariat. Quorum in isto vestro artificio, Sulpici, nihil est. Primum dignitas in tam **25**
tenui scientia non potest esse; res enim sunt parvae, prope in singulis litteris atque interpunctionibus verborum occupatae. Deinde, etiamsi quid apud maiores nostros fuit in isto studio admirationis, id enuntiatis vestris mysteriis totum est contemptum et abiectum. Posset agi lege necne, pauci quondam sciebant; fastos enim vulgo non habebant. Erant in magna potentia, qui consulebantur; a quibus etiam dies tamquam a Chaldaeis petebatur. Inventus est scriba quidam, Cn. Flavius, qui cornicum oculos confixerit et singulis diebus ediscendis fastos populo proposuerit et ab ipsis capsis iuris consultorum sapientiam compilarit. Itaque irati illi, quod sunt veriti, ne, dierum ratione pervulgata et cognita, sine sua opera lege *agi* posset, verba quaedam composuerunt, ut omnibus in rebus ipsi interessent. XII. Cum hoc **26**
fieri bellissime posset: 'Fundus Sabinus meus est:' 'Immo meus:' deinde iudicium: noluerunt. 'FUNDUS,' inquit, 'QUI EST IN AGRO, QUI SABINUS VOCATUR.'

Satis verbose; cedo qui postea? 'EUM EGO EX IURE QUIRITIUM MEUM ESSE AIO.' Quid tum? 'INDE IBI EGO TE EX IURE MANUM CONSERTUM VOCO.' Quid huic tam loquaciter litigioso responderet ille, unde petebatur, non habebat. Transit idem iuris consultus tibicinis Latini modo: 'UNDE TU ME,' inquit, 'EX IURE MANUM CONSERTUM VOCASTI, INDE IBI EGO TE REVOCO.' Praetor interea ne pulchrum se ac beatum putaret atque aliquid ipse sua sponte loqueretur, ei quoque carmen compositum est cum ceteris rebus absurdum, tum vero in illo: 'SUIS UTRISQUE SUPERSTITIBUS PRAESENTIBUS ISTAM VIAM DICO; ITE VIAM.' Praesto aderat sapiens ille, qui inire viam doceret. 'REDITE VIAM.' Eodem duce redibant. Haec iam tum apud illos barbatos ridicula, credo, videbantur, homines, cum recte atque in loco constitissent, iuberi abire, ut, unde abissent, eodem statim redirent. Isdem ineptiis fucata sunt illa omnia: 'QUANDO TE IN IURE CONSPICIO' et haec: 'ANNE TU DICAS, QUA EX CAUSA VINDICAVERIS?' Quae dum erant occulta, necessario ab iis, qui ea tenebant, petebantur; postea vero pervulgata atque in manibus iactata et excussa inanissima prudentiae reperta sunt, fraudis autem et
27 stultitiae plenissima. Nam, cum permulta praeclare legibus essent constituta, ea iure consultorum ingeniis pleraque corrupta ac depravata sunt. Mulieres omnes propter infirmitatem consilii maiores in tutorum potestate esse voluerunt; hi invenerunt genera tutorum, quae potestate mulierum continerentur. Sacra interire illi noluerunt; horum ingenio senes ad coëmptiones faciendas interimendorum sacrorum

causa reperti sunt. In omni denique iure civili aequitatem reliquerunt, verba ipsa tenuerunt, ut, quia in alicuius libris exempli causa id nomen invenerant, putarent omnes mulieres, quae coëmptionem facerent, 'Gaias' vocari. Iam illud mihi quidem mirum videri solet, tot homines tam ingeniosos post tot annos etiam nunc statuere non potuisse, utrum 'diem tertium' an 'perendinum,' 'iudicem' an 'arbitrum,' 'rem' an 'litem' dici oporteret.
XIII. Itaque, ut dixi, dignitas in ista scientia con- **28**
sularis numquam fuit, quae tota ex rebus fictis commenticiisque constaret, gratiae vero multo etiam minus. Quod enim omnibus patet et aeque promptum est mihi et adversario meo, id esse gratum nullo pacto potest. Itaque non modo beneficii collocandi spem, sed etiam illud, quod aliquando fuit, 'LICET CONSULERE?' iam perdidistis. Sapiens existimari nemo potest in ea prudentia, quae neque extra Romam usquam neque Romae rebus prolatis quicquam valet. Peritus ideo haberi nemo potest, quod in eo, quod sciunt omnes, nullo modo possunt inter se discrepare. Difficilis autem res ideo non putatur, quod et perpaucis et minime obscuris litteris continetur. Itaque, si mihi, homini vehementer occupato, stomachum moveritis, triduo me iuris consultum [esse] profitebor. Etenim, quae de scripto aguntur, scripta sunt omnia, neque tamen quicquam tam anguste scriptum est, quo ego non possim 'QUA DE RE AGITUR' addere; quae consuluntur autem, minimo periculo respondentur. Si id, quod oportet, responderis, idem videare respondisse, quod Servius; sin aliter, etiam controversum ius nosse et tractare videare. Qua- **29**

propter non solum illa gloria militaris vestris formulis atque actionibus anteponenda est, verum etiam dicendi consuetudo longe et multum isti vestrae exercitationi ad honorem antecellit. Itaque mihi videntur plerique initio multo hoc maluisse, post, cum id adsequi non potuissent, istuc potissimum sunt delapsi. Ut aiunt in Graecis artificibus eos auloedos esse, qui citharoedi fieri non potuerint, sic nos videmus, qui oratores evadere non potuerint, eos ad iuris studium devenire. Magnus dicendi labor, magna res, magna dignitas, summa autem gratia. Etenim a vobis salubritas quaedam, ab iis, qui dicunt, salus ipsa petitur. Deinde vestra responsa atque decreta et evertuntur saepe dicendo et sine defensione oratoris firma esse non possunt. In qua si satis profecissem, parcius de eius laude dicerem; nunc nihil de me dico, sed de iis, qui in dicendo magni sunt aut fuerunt.

30 XIV. Duae sunt artes, quae possint locare homines in amplissimo gradu dignitatis, una imperatoris, altera oratoris boni. Ab hoc enim pacis ornamenta retinentur, ab illo belli pericula repelluntur. Ceterae tamen virtutes ipsae per se multum valent, iustitia, fides, pudor, temperantia; quibus te, Servi, excellere omnes intellegunt. Sed nunc de studiis ad honorem adpositis, non de insita cuiusque virtute disputo. Omnia ista nobis studia de manibus excutiuntur, simul atque aliqui motus novus bellicum canere coepit. Etenim, ut ait ingeniosus poëta et auctor valde bonus, 'proeliis promulgatis pellitur e medio' non solum ista vestra verbosa simulatio prudentiae, sed etiam ipsa illa domina rerum, 'sapientia; vi

geritur res, spernitur orator' non solum odiosus in dicendo ac loquax, verum etiam 'bonus; horridus miles amatur'; vestrum vero studium totum iacet. 'Non ex iure manum consertum, sed ferro,' inquit, 'rem repetunt.' Quod si ita est, cedat, opinor, Sulpici, forum castris, otium militiae, stilus gladio, umbra soli; sit denique in civitate ea prima res, propter quam ipsa est civitas omnium princeps.

Verum haec Cato nimium nos nostris verbis **31**
magna facere demonstrat et oblitos esse bellum illud omne Mithridaticum cum mulierculis esse gestum. Quod ego longe secus existimo, iudices, deque eo pauca disseram; neque enim causa in hoc continetur. Nam si omnia bella, quae cum Graecis gessimus, contemnenda sunt, derideatur de rege Pyrrho triumphus M'. Curii, de Philippo T. Flaminini, de Aetolis M. Fulvii, de rege Perse L. Pauli, de Pseudophilippo Q. Metelli, de Corinthiis L. Mummii. Sin haec bella gravissima victoriaeque eorum bellorum clarissimae fuerunt, cur Asiaticae nationes atque ille a te hostis contemnitur? Atqui ex veterum rerum monumentis vel maximum bellum populum Romanum cum Antiocho gessisse video; cuius belli victor L. Scipio aequa parta cum Publio fratre gloria, quam laudem ille Africa oppressa cognomine ipso prae se ferebat, eandem hic sibi ex Asiae nomine adsumpsit. Quo **32**
quidem in bello virtus enituit egregia M. Catonis, proavi tui; quo ille, cum esset, ut ego mihi statuo, talis, qualem te esse video, numquam esset profectus, si cum mulierculis bellandum arbitraretur. Neque vero cum P. Africano senatus egisset, ut legatus fratri proficisceretur, cum ipse paulo ante Hannibale

ex Italia expulso, ex Africa eïecto, Carthagine oppressa maximis periculis rem publicam liberasset, nisi illud grave bellum et vehemens putaretur. XV. Atqui si diligenter, quid Mithridates potuerit et quid effecerit et qui vir fuerit, consideraris, omnibus regibus, quibuscum populus Romanus bellum gessit, hunc regem nimirum antepones; quem L. Sulla maximo et fortissimo exercitu, pugnax et acer et non rudis imperator, ut aliud nihil dicam, cum bellum invectum totam in Asiam *confecisset*, cum pace dimisit; quem L. Murena, pater huiusce, vehementissime vigilantissimeque vexatum, repressum magna ex parte, non oppressum reliquit; qui rex, sibi aliquot annis sumptis ad confirmandas rationes et copias belli, tantum spe conatuque valuit, ut se Oceanum cum Ponto, Sertorii copias cum suis coniuncturum
33 putaret. Ad quod bellum duobus consulibus ita missis, ut alter Mithridatem persequeretur, alter Bithyniam tueretur, alterius res et terra et mari calamitosae vehementer et opes regis et nomen auxerunt; L. Luculli vero res tantae exstiterunt, ut neque maius bellum commemorari possit neque maiore consilio et virtute gestum. Nam, cum totius impetus belli ad Cyzicenorum moenia constitisset eamque urbem sibi Mithridates Asiae ianuam fore putasset, qua effracta et revulsa tota pateret provincia, perfecta *ita* a Lucullo haec sunt omnia, ut *et* urbs fidelissimorum sociorum defenderetur et omnes copiae regis diuturnitate obsessionis consumerentur. Quid? illam pugnam navalem ad Tenedum, cum contento cursu, acerrimis ducibus, hostium classis Italiam spe atque animis inflata peteret,

mediocri certamine et parva dimicatione commissam arbitraris? Mitto proelia, praetereo oppugnationes oppidorum; expulsus regno tandem aliquando tantum tamen consilio atque auctoritate valuit, ut se rege Armeniorum adiuncto novis opibus copiisque renovarit. XVI. Ac, si mihi nunc de rebus gestis esset nostri exercitus imperatorisque dicendum, plurima et maxima proelia commemorare possem; sed
non id agimus. Hoc dico: Si bellum hoc, si hic **34**
hostis, si ille rex contemnendus fuisset, neque tanta cura senatus et populus Romanus suscipiendum putasset neque tot annos gessisset neque tanta gloria L. Lucullus, neque vero eius belli conficiendi negotium tanto studio populus Romanus ad Cn. Pompeium detulisset. Cuius ex omnibus pugnis, quae sunt innumerabiles, vel acerrima mihi videtur illa, quae cum rege commissa est et summa contentione pugnata. Qua ex pugna cum se ille eripuisset et Bosphorum confugisset, quo exercitus adire non posset, etiam in extrema fortuna et fuga nomen tamen retinuit regium. Itaque ipse Pompeius regno possesso, ex omnibus oris ac notis sedibus hoste pulso, tamen tantum in unius anima posuit, ut, cum omnia, quae ille tenuerat, adierat, sperarat, victoria possideret, tamen non ante, quam illum vita expulit, bellum confectum iudicarit. Hunc tu hostem, Cato, contemnis, quocum per tot annos tot proeliis tot imperatores bella gesserunt, cuius expulsi et eiecti vita tanti aestimata est, ut morte eius nuntiata denique bellum confectum arbitraretur? Hoc igitur in bello L. Murenam legatum fortissimi animi, summi consilii, maximi laboris cognitum esse defendimus,

et hanc eius operam non minus ad consulatum adipiscendum quam hanc nostram forensem industriam dignitatis habuisse.

35 XVII. 'At enim in praeturae petitione prior renuntiatus est Servius.' Pergitisne vos tamquam ex syngrapha agere cum populo, ut, quem locum semel honoris cuipiam dederit, eundem in reliquis honoribus debeat? Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes commutationesque fluctuum, quantas perturbationes et quantos aestus habet ratio comitiorum? Dies intermissus unus aut nox interposita saepe et perturbat omnia, et totam opinionem parva nonnumquam commutat aura rumoris. Saepe etiam sine ulla aperta causa fit aliud atque existimaris, ut nonnumquam ita factum esse etiam populus admiretur, quasi vero non ipse fecerit.
36 Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. Quis L. Philippum summo ingenio, opera, gratia, nobilitate a M. Herennio superari posse arbitratus est? quis Q. Catulum humanitate, sapientia, integritate antecellentem a Cn. Mallio? quis M. Scaurum, hominem gravissimum, civem egregium, fortissimum senatorem, a Q. Maximo? Non modo horum nihil ita fore putatum est, sed ne cum esset factum quidem, quare ita factum esset, intellegi potuit. Nam, ut tempestates saepe certo aliquo caeli signo commoventur, saepe improviso nulla ex certa ratione, obscura aliqua ex causa concitantur, sic in hac comitiorum tempestate populari saepe intellegas, quo signo commota sit, saepe ita obscura

est, ut casu excitata esse videatur. XVIII. Sed 37
tamen, si est reddenda ratio, duae res vehementer in praetura desideratae sunt, quae ambae in consulatu multum Murenae profuerunt, una exspectatio muneris, quae et rumore nonnullo et studiis sermonibusque competitorum creverat, altera, quod ii, quos in provincia ac legatione omnis et liberalitatis et virtutis suae testes habuerat, nondum decesserant. Horum utrumque ei fortuna ad consulatus petitionem reservavit. Nam et L. Luculli exercitus, qui ad triumphum convenerat, idem comitiis L. Murenae praesto fuit, et munus amplissimum, quod petitio praeturae desiderarat, prae-
tura restituit. Num tibi haec parva videntur 38
adiumenta et subsidia consulatus? Voluntas militum? quae cum per se valet multitudine, cum apud suos gratia, tum vero in consule declarando multum etiam apud universum populum Romanum auctoritatis habet suffragatio militaris; imperatores enim comitiis consularibus, non verborum interpretes deliguntur. Quare gravis est illa oratio: 'Me saucium recreavit, me praeda donavit; hoc duce castra cepimus, signa contulimus; numquam iste plus militi laboris imposuit quam sibi sumpsit ipse, cum fortis tum etiam felix.' Hoc quanti putas esse ad famam hominum ac voluntatem? Etenim, si tanta illis comitiis religio est, ut adhuc semper omen valuerit praerogativae, quid mirum est in hoc felicitatis famam sermonemque valuisse?

XIX. Sed si haec leviora ducis, quae sunt gravissima, et hanc urbanam suffragationem militari anteponis, noli ludorum huius elegantiam et scaenae

magnificentiam valde contemnere; quae huic ad-
modum profuerunt. Nam quid ego dicam populum
ac vulgus imperitorum ludis magno opere delectari?
Minus est mirandum. Quamquam huic causae id
satis est; sunt enim populi ac multitudinis comitia.
Quare, si populo ludorum magnificentia voluptati
est, non est mirandum eam L. Murenae apud
39 populum profuisse. Sed si nosmet ipsi, qui et ab
delectatione communi negotiis impedimur et in ipsa
occupatione delectationes alias multas habere possu-
mus, ludis tamen oblectamur et ducimur, quid tu
40 admirere de multitudine indocta? L. Otho, vir
fortis, meus necessarius, equestri ordini restituit non
solum dignitatem, sed etiam voluptatem. Itaque
lex haec, quae ad ludos pertinet, est omnium gra-
tissima, quod honestissimo ordini cum splendore
fructus quoque iucunditatis est restitutus. Quare
delectant homines, mihi crede, ludi, etiam illos, qui
dissimulant, non solum eos, qui fatentur; quod ego
in mea petitione sensi; nam nos quoque habuimus
scaenam competitricem. Quodsi ego, qui trinos
ludos aedilis feceram, tamen Antonii ludis commove-
bar, tibi, qui casu nullos feceras, nihil huius istam
ipsam, quam irrides, argenteam scaenam adversatam
putas?

41 Sed haec sane sint paria omnia, sit par forensis
opera *militari*, militaris suffragatio urbanae, sit idem
magnificentissimos et nullos umquam fecisse ludos;
quid? in ipsa praetura nihilne existimas inter tuam
et huius sortem interfuisse? XX. Huius sors ea
fuit, quam omnes tui necessarii tibi optabamus, iuris
dicundi; in qua gloriam conciliat magnitudo negotii,

gratiam aequitatis largitio; qua in sorte sapiens praetor, qualis hic fuit, offensionem vitat aequabilitate decernendi, benevolentiam adiungit lenitate audiendi; egregia et ad consulatum apta provincia, in qua laus aequitatis, integritatis, facilitatis ad extremum ludorum voluptate concluditur. Quid tua 42
sors? Tristis, atrox, quaestio peculatus, ex altera parte lacrimarum et squaloris, ex altera plena catenarum atque indicum; cogendi iudices inviti, retinendi contra voluntatem; scriba damnatus, ordo totus alienatus; Sullana gratificatio reprehensa, multi viri fortes et prope pars civitatis offensa; lites severe aestimatae; cui placet, obliviscitur, cui dolet, meminit. Postremo tu in provinciam ire noluisti. Non possum id in te reprehendere, quod in me ipso et praetore et consule probavi. Sed tamen L. Murenae provincia multas bonas gratias cum optima existimatione attulit. Habuit proficiscens dilectum in Umbria; dedit ei facultatem res publica liberalitatis, qua usus multas sibi tribus, quae municipiis Umbriae conficiuntur, adiunxit; ipsa autem in Gallia ut nostri homines desperatas iam pecunias exigerent, aequitate diligentiaque perfecit. Tu interea Romae scilicet amicis praesto fuisti; fateor; sed tamen illud cogita, nonnullorum amicorum studia minui solere in eos, a quibus provincias contemni intellegunt.

XXI. Et quoniam ostendi, iudices, parem dignita- 43
tem ad consulatus petitionem, disparem fortunam provincialium negotiorum in Murena atque in Sulpicio fuisse, dicam iam apertius, in quo meus necessarius fuerit inferior, Servius, et ea dicam vobis

audientibus amisso iam tempore, quae ipsi soli re integra saepe dixi. Petere consulatum nescire te, Servi, persaepe tibi dixi; et in iis rebus ipsis, quas te magno et forti animo et agere et dicere videbam, tibi solitus sum dicere magis te fortem accusatorem mihi videri quam sapientem candidatum. Primum accusandi terrores et minae, quibus tu cotidie uti solebas, sunt fortis viri, sed et populi opinionem a spe adipiscendi avertunt et amicorum studia debilitant. Nescio quo pacto semper hoc fit (neque in uno aut altero animadversum est, sed iam in pluribus), simul atque candidatus accusationem medi-
44 tari visus est, ut honorem desperasse videatur. Quid ergo? acceptam iniuriam persequi non placet? Immo vehementer placet; sed aliud tempus est petendi, aliud persequendi. Petitorem ego, praesertim consulatus, magna spe, magno animo, magnis copiis et in forum et in campum deduci volo; non placet mihi inquisitio candidati, praenuntia repulsae, non testium potius quam suffragatorum comparatio, non minae magis quam blanditiae, non declamatio potius quam persalutatio, praesertim cum iam hoc novo more omnes fere domos omnium concursent et ex vultu candidatorum coniecturam faciant, quantum quisque animi et facultatis habere videatur.
45 'Videsne tu illum tristem, demissum? iacet, diffidit, abiecit hastas.' Serpit hic rumor. 'Scis tu illum accusationem cogitare, inquirere in competitores, testes quaerere? Alium faciam, quoniam sibi hic ipse desperat.' Eius modi *de* candidato rumore amici intimi debilitantur, studia deponunt; aut totam rem abiciunt aut suam operam et gratiam iudicio et ac-

cusationi reservant. XXII. Accedit eodem, ut etiam ipse candidatus totum animum atque omnem curam, operam diligentiamque suam in petitione non possit ponere. Adiungitur enim accusationis cogitatio, non parva res, sed nimirum omnium maxima. Magnum est enim te comparare ea, quibus possis hominem e civitate, praesertim non inopem neque infirmum, exturbare, qui et per se et per suos et vero etiam per alienos defendatur. Omnes enim ad pericula propulsanda concurrimus et, qui non aperte inimici sumus, etiam alienissimis in capitis periculis amicissimorum officia et studia praestamus. Quare ego 46
expertus et petendi et defendendi et accusandi molestiam sic intellexi, in petendo studium esse acerrimum, in defendendo officium, in accusando laborem. Itaque sic statuo, fieri nullo modo posse, ut idem accusationem et petitionem consulatus diligenter adornet atque instruat. Unum sustinere pauci possunt, utrumque nemo. Tu, cum te de curriculo petitionis deflexisses animumque ad accusandum transtulisses, *si* existimasti te utrique negotio satis facere posse, vehementer errasti. Quis enim dies fuit, posteaquam in istam accusandi denuntiationem ingressus es, quem tu non totum in ista ratione consumpseris? XXIII. Legem ambitus flagitasti, quae tibi non deerat; erat enim severissime scripta Calpurnia. Gestus est mos et voluntati et dignitati tuae. Sed tota illa lex accusationem tuam, si haberes nocentem reum, fortasse armasset; petitioni vero refragata est. Poena gravior in plebem 47
tua voce efflagitata est; commoti animi tenuiorum; exsilium in nostrum ordinem; concessit senatus

postulationi tuae, sed non libenter duriorem fortunae communi condicionem te auctore constituit. Morbi excusationi poena addita est; voluntas offensa multorum, quibus aut contra valetudinis commodum laborandum est aut incommodo morbi etiam ceteri vitae fructus relinquendi. Quid ergo? haec quis tulit? Is, qui auctoritati senatus, voluntati tuae paruit, denique is tulit, cui minime proderant. Illa, quae mea summa voluntate senatus frequens repudiavit, mediocriter adversata tibi esse existimas? Confusionem suffragiorum flagitasti, perrogationem legis Maniliae, aequationem gratiae, dignitatis, suffragiorum. Graviter homines honesti atque in suis vicinitatibus et municipiis gratiosi tulerunt a tali viro esse pugnatum, ut omnes et dignitatis et gratiae gradus tollerentur. Idem editicios iudices esse voluisti, ut odia occulta civium, quae tacitis nunc discordiis continentur, in fortunas optimi cuiusque erumperent. Haec omnia tibi accusandi viam muniebant, adipiscendi obsaepiebant.

48 Atque ex omnibus illa plaga est iniecta petitioni tuae, non tacente me, maxima, de qua ab homine ingeniosissimo et copiosissimo, *Q.* Hortensio, multa gravissime dicta sunt. Quo etiam mihi durior locus est dicendi datus, ut, cum ante me et ille dixisset et vir summa dignitate et diligentia et facultate dicendi, M. Crassus, ego in extremo non partem aliquam agerem causae, sed de tota re dicerem, quod mihi videretur. Itaque in isdem rebus fere versor et, quoad possum, iudices, occurro vestrae satietati. XXIV. Sed tamen, Servi, quam te securim putas iniecisse petitioni tuae, cum populum Romanum

in eum metum adduxisti, ut pertimesceret, ne consul Catilina fieret, dum tu accusationem comparares deposita atque abiecta petitione? Etenim te in- 49
quirere videbant, tristem ipsum, maestos amicos; observationes, testificationes, seductiones testium, secessiones subscriptorum animadvertebant, quibus rebus cretae ipsae candidatorum obscuriores videri solent; Catilinam interea alacrem atque laetum, stipatum choro iuventutis, vallatum indicibus atque sicariis, inflatum cum spe militum, tum collegae mei, quem ad modum dicebat ipse, promissis, circumfluentem colonorum Arretinorum et Faesulanorum exercitu, quam turbam dissimillimo ex genere distinguebant homines perculsi Sullani temporis calamitate. Vultus ipsius erat plenus furoris, oculi sceleris, sermo adrogantiae, sic ut ei iam exploratus et domi conditus consulatus videretur. Murenam contemnebat, Sulpicium accusatorem suum numerabat, non competitorem; ei vim denuntiabat, rei
publicae minabatur. XXV. Quibus rebus qui timor 50
bonis omnibus iniectus sit quantaque desperatio rei publicae, si ille factus esset, nolite a me commoneri velle; vosmet ipsi vobiscum recordamini. Meministis enim, cum illius nefarii gladiatoris voces percrebruissent, quas habuisse in contione domestica dicebatur, cum miserorum fidelem defensorem negasset inveniri posse nisi eum, qui ipse miser esset; integrorum et fortunatorum promissis saucios et miseros credere non oportere; quare, qui consumpta replere, erepta recuperare vellent, spectarent, quid ipse deberet, quid possideret, quid auderet; minime timidum et valde calamitosum esse oportere

eum, qui esset futurus dux et signifer calamitosorum
51 —tum igitur, his rebus auditis, meministis fieri senatus consultum referente me, ne postero die comitia haberentur, ut de his rebus in senatu agere possemus. Itaque postridie frequenti senatu Catilinam excitavi atque eum de his rebus iussi, si quid vellet, quae ad me adlatae essent, dicere. Atque ille, ut semper fuit apertissimus, non se purgavit, sed indicavit atque induit. Tum enim dixit duo corpora esse rei publicae, unum debile infirmo capite, alterum firmum sine capite; huic, si ita de se meritum esset, caput se vivo non defuturum. Congemuit senatus frequens neque tamen satis severe pro rei indignitate decrevit; nam partim ideo fortes in decernendo non erant, quia nihil timebant, partim, quia timebant nimium. Erupit e senatu triumphans gaudio, quem omnino vivum illinc exire non oportuerat, praesertim cum idem ille in eodem ordine paucis diebus ante Catoni, fortissimo viro, iudicium minitanti ac denuntianti respondisset, si quod esset in suas fortunas incendium excitatum,
52 id se non aqua, sed ruina restincturum. XXVI. His tum rebus commotus, et quod homines iam tum coniuratos cum gladiis in campum deduci a Catilina sciebam, descendi in campum cum firmissimo praesidio fortissimorum virorum et cum illa lata insignique lorica, non quae me tegeret (etenim sciebam Catilinam non latus aut ventrem, sed caput et collum solere petere), verum ut omnes boni animadverterent et, cum in metu et periculo consulem viderent, id quod est factum, ad opem praesidiumque concurrerent. Itaque, cum te, Servi,

remissiorem in petendo putarent, Catilinam et spe et cupiditate inflammatum viderent, omnes, qui illam ab re publica pestem depellere cupiebant, ad Murenam se statim contulerunt. Magna est autem 53
comitiis consularibus repentina voluntatum inclinatio, praesertim cum incubuit ad virum bonum et multis aliis adiumentis petitionis ornatum. Qui cum honestissimo patre atque maioribus, modestissima adulescentia, clarissima legatione, praetura probata in iure, grata in munere, ornata in provincia petisset diligenter, et ita petisset, ut neque minanti cederet neque cuiquam minaretur, huic mirandum est magno adiumento Catilinae subitam spem consulatus adipiscendi fuisse?

Nunc mihi tertius ille locus est reliquus orationis 54
de ambitus criminibus, perpurgatus ab his, qui ante me dixerunt, a me, quoniam ita Murena voluit, retractandus; quo in loco *C.* Postumo, familiari meo, ornatissimo viro, de divisorum indiciis et de deprehensis pecuniis, adulescenti ingenioso et bono, Ser. Sulpicio, de equitum centuriis, M. Catoni, homini in omni virtute excellenti, de ipsius accusatione, de senatus consulto, de re publica respondebo.
XXVII. Sed pauca, quae meum animum repente 55
moverunt, prius de L. Murenae fortuna conquerar. Nam cum saepe antea, iudices, et ex aliorum miseriis et ex meis curis laboribusque cotidianis fortunatos eos homines iudicarem, qui remoti a studiis ambitionis otium ac tranquillitatem vitae secuti sunt, tum vero in his L. Murenae tantis tamque improvisis periculis ita sum animo adfectus, ut non queam satis neque communem omnium nostrum condicionem ne-

que huius eventum fortunamque miserari; qui primum, dum ex honoribus continuis familiae maiorumque suorum summum ascendere gradum dignitatis conatur, venit in periculum, ne et ea, que *ei* relicta, et haec, quae ab ipso parta sunt, amittat, deinde propter studium novae laudis etiam in veteris
56 fortunae discrimen adducitur. Quae cum sunt gravia, iudices, tum illud acerbissimum est, quod habet eos accusatores, non qui odio inimicitiarum ad accusandum, sed qui studio accusandi ad inimicitias descenderint. Nam ut omittam Servium Sulpicium, quem intellego non iniuria L. Murenae, sed honoris contentione permotum, accusat paternus amicus, *C.* Postumus, vetus, ut ait ipse, vicinus ac necessarius, qui necessitudinis causas complures protulit, simultatis nullam commemorare potuit; accusat Ser. Sulpicius, sodalis filius, cuius ingenio paterni omnes necessarii munitiores esse debebant; accusat M. Cato, qui cum a Murena nulla re umquam alienus fuit, tum ea condicione nobis videbatur in hac civitate natus, ut eius opes et ingenium praesidio multis etiam alienissimis, exitio vix cuiquam inimico
57 esse deberet. Respondebo igitur Postumo primum, qui nescio quo pacto mihi videtur praetorius candidatus in consularem quasi desultorius in quadrigarum curriculum incurrere. Cuius competitores si nihil deliquerunt, dignitati eorum concessit, cum petere destitit; sin autem eorum aliquis largitus est, expetendus amicus est, qui alienam potius iniuriam quam suam persequatur.

De Postumi criminibus. De Servii adulescentis.

XXVIII. Venio nunc ad M. Catonem, quod est firmamentum ac robur totius accusationis; qui tamen ita gravis est accusator et vehemens, ut multo magis eius auctoritatem quam criminationem pertimescam. In quo ego accusatore, iudices, primum illud deprecabor, ne quid L. Murenae dignitas illius, ne quid exspectatio tribunatus, ne quid totius vitae splendor et gravitas noceat, denique ne ea soli huic obsint bona M. Catonis, quae ille adeptus est, ut multis prodesse posset. Bis consul fuerat P. Africanus et duos terrores huius imperii, Carthaginem Numantiamque, deleverat, cum accusavit L. Cottam. Erat in eo summa eloquentia, summa fides, summa integritas, auctoritas tanta, quanta in imperio populi Romani, quod illius opera tenebatur. Saepe hoc maiores natu dicere audivi, hanc accusatoris eximiam dignitatem plurimum L. Cottae profuisse. Noluerunt sapientissimi homines, qui tum rem illam iudicabant, ita quemquam cadere in iudicio, ut nimiis adversarii viribus abiectus videretur. Quid? Ser. Galbam 59 (nam traditum memoriae est) nonne proavo tuo, fortissimo atque florentissimo viro, M. Catoni, incumbenti ad eius perniciem populus Romanus eripuit? Semper in hac civitate nimis magnis accusatorum opibus et populus universus et sapientes ac multum in posterum prospicientes iudices restiterunt. Nolo accusator in iudicium potentiam adferat, non vim maiorem aliquam, non auctoritatem excellentem, non nimiam gratiam. Valeant haec omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum, in periculo vero et in pernicie civium repudientur. Nam si quis 60

hoc forte dicet, Catonem descensurum ad accusandum non fuisse, nisi prius de causa iudicasset, iniquam legem, iudices, et miseram condicionem instituet periculis hominum, si existimabit iudicium accusatoris in reum pro aliquo praeiudicio valere oportere.

XXIX. Ego tuum consilium, Cato, propter singulare animi mei de tua virtute iudicium vituperare *non possum;* nonnulla forsitan conformare et leviter emendare possim. 'Non multa peccas,' inquit illi fortissimo viro senior magister, 'sed peccas; te regere possum.' At ego non te; verissime dixerim peccare te nihil neque ulla in re te esse huius modi, ut corrigendus potius quam leviter inflectendus esse videare. Finxit enim te ipsa natura ad honestatem, gravitatem, temperantiam, magnitudinem animi, iustitiam, ad omnes denique virtutes magnum hominem et excelsum. Accessit istuc doctrina non moderata nec mitis, sed, ut mihi videtur, paulo asperior et durior, quam aut veritas aut natura
61 patitur. Et quoniam non est nobis haec oratio habenda aut in imperita multitudine aut in aliquo conventu agrestium, audacius paulo de studiis humanitatis, quae et mihi et vobis nota et iucunda sunt, disputabo. In M. Catone, iudices, haec bona, quae videmus divina et egregia, ipsius scitote esse propria; quae nonnumquam requirimus, ea sunt omnia non a natura, verum a magistro. Fuit enim quidam summo ingenio vir, Zeno, cuius inventorum aemuli Stoici nominantur. Huius sententiae sunt et praecepta eius modi: sapientem gratia numquam moveri, numquam cuiusquam delicto ignoscere;

neminem misericordem esse nisi stultum et levem; viri non esse neque exorari neque placari; solos sapientes esse, si distortissimi sint, formosos, si mendicissimi, divites, si servitutem serviant, reges; nos autem, qui sapientes non sumus, fugitivos, exsules, hostes, insanos denique esse dicunt; omnia peccata esse paria; omne delictum scelus esse nefarium, nec minus delinquere eum, qui gallum gallinaceum, cum opus non fuerit, quam eum, qui patrem suffocaverit; sapientem nihil opinari, nullius rei paenitere, nulla in re falli, sententiam mutare
numquam. XXX. Haec homo ingeniosissimus, M. **62**
Cato, auctoribus eruditissimis inductus adripuit, neque disputandi causa, ut magna pars, sed ita vivendi. Petunt aliquid publicani: 'cave quicquam habeat momenti gratia.' Supplices aliqui veniunt miseri et calamitosi: 'sceleratus et nefarius fueris, si quicquam misericordia adductus feceris.' Fatetur aliquis se peccasse et eius delicti veniam petit: 'nefarium est facinus ignoscere.' At leve delictum est. 'Omnia peccata sunt paria.' Dixisti quippiam: 'fixum et statutum est.' Non re ductus es, sed opinione: 'sapiens nihil opinatur.' Errasti aliqua in re: maledici putat. Hac ex disciplina nobis illa sunt: 'Dixi in senatu me nomen consularis candidati delaturum.' Iratus dixisti. 'Numquam,' inquit, 'sapiens irascitur.' At temporis causa. 'Improbi,' inquit, 'hominis est mendacio fallere; mutare sententiam turpe est, exorari scelus, misereri
flagitium.' Nostri autem illi (fatebor enim, Cato, **63**
me quoque in adulescentia diffisum ingenio meo quaesisse adiumenta doctrinae), nostri, inquam, illi

a Platone et Aristotele, moderati homines et temperati, aiunt apud sapientem valere aliquando gratiam; viri boni esse misereri; distincta genera esse delictorum et dispares poenas; esse apud hominem constantem ignoscendi locum; ipsum sapientem saepe aliquid opinari, quod nesciat; irasci nonnumquam; exorari eundem et placari; quod dixerit, interdum, si ita rectius sit, mutare; de sententia decedere aliquando; omnes virtutes
64 mediocritate quadam esse moderatas. XXXI. Hos ad magistros si qua te fortuna, Cato, cum ista natura detulisset, non tu quidem vir melior esses nec fortior nec temperantior nec iustior (neque enim esse potes), sed paulo ad lenitatem propensior. Non accusares nullis adductus inimicitiis, nulla lacessitus iniuria, pudentissimum hominem, summa dignitate atque honestate praeditum; putares, cum in eiusdem anni custodia te atque L. Murenam fortuna posuisset, aliquo te cum hoc rei publicae vinculo esse coniunctum; quod atrociter in senatu dixisti, aut non dixisses aut, si posuisses, mitiorem
65 in partem interpretarere. Ac te ipsum, quantum ego opinione auguror, nunc et animi quodam impetu concitatum et vi naturae atque ingenii elatum et recentibus praeceptorum studiis flagrantem iam usus flectet, dies leniet, aetas mitigabit. Etenim isti ipsi mihi videntur vestri praeceptores et virtutis magistri fines officiorum paulo longius, quam natura vellet, protulisse, ut, cum ad ultimum animo contendissemus, ibi tamen, ubi oporteret, consisteremus. ‘Nihil ignoveris.’ Immo aliquid, non omnia. ‘Nihil gratiae concesseris.’ Immo resistito gratiae, cum

officium et fides postulabit. 'Misericordia commotus ne sis.' Etiam, in dissolvenda severitate; sed tamen est laus aliqua humanitatis. 'In sententia permaneto.' Vero, nisi sententiam sententia alia vicerit melior. Huiusce modi Scipio ille fuit, quem non 66
paenitebat facere idem, quod tu, habere eruditissimum hominem Panaetium domi; cuius oratione et praeceptis, quamquam erant eadem ista, quae te delectant, tamen asperior non est factus, sed, ut accepi a senibus, lenissimus. Quis vero C. Laelio comior, quis iucundior eodem ex studio isto? quis illo gravior, sapientior? Possum de L. Philo, de C. Galo dicere haec eadem, sed te domum iam deducam tuam. Quemquamne existimas Catone, proavo tuo, commodiorem, communiorem, moderatiorem fuisse ad omnem rationem humanitatis? De cuius praestanti virtute cum vere graviterque diceres, domesticum te habere dixisti exemplum ad imitandum. Est illud quidem exemplum tibi propositum domi, sed tamen naturae similitudo illius ad te magis, qui ab illo ortus es, quam ad unum quemque nostrum pervenire potuit, ad imitandum vero tam mihi propositum exemplar illud est quam tibi. Sed si illius comitatem et facilitatem tuae gravitati severitatique adperseris, non ista quidem erunt meliora, quae nunc sunt optima, sed certe condita iucundius.

XXXII. Quare, ut ad id, quod institui, revertar, 67
tolle mihi e causa nomen Catonis, remove auctoritatem, quae in iudiciis aut nihil valere aut ad salutem debet valere, congredere mecum criminibus ipsis. Quid accusas, Cato, quid adfers ad iudicium, quid arguis? Ambitum accusas; non defendo. Me

reprehendis, quod idem defendam, quod lege punierim. Punivi ambitum, non innocentiam; ambitum vero ipsum vel tecum accusabo, si voles. Dixisti senatus consultum me referente esse factum: si mercede obviam candidatis issent, si conducti sectarentur, si gladiatoribus locus tributim et item prandia si vulgo essent data, contra legem Calpurniam factum videri. Ergo, ita senatus si iudicat, contra legem facta haec videri, si facta sint, decernit quod nihil opus est, dum candidatis morem gerit; nam factum sit necne, vehementer quaeritur; si factum sit, quin
68 contra legem sit, dubitare nemo potest. Est igitur ridiculum, quod est dubium, id relinquere incertum, quod nemini dubium potest esse, id indicare. Atque id decernitur omnibus postulantibus candidatis, ut ex senatus consulto neque cuius intersit neque contra quem sit intellegi possit. Quare doce a L. Murena illa esse commissa; tum egomet tibi contra legem commissa esse concedam.

XXXIII. 'Multi obviam prodierunt de provincia decedenti.' Consulatum petenti solet fieri; eccui autem non proditur revertenti? 'Quae fuit ista multitudo?' Primum, si tibi istam rationem non possim reddere, quid habet admirationis tali viro advenienti, candidato consulari, obviam prodisse multos? quod nisi esset factum, magis mirandum
69 videretur. Quid? si etiam illud addam, quod a consuetudine non abhorret, rogatos esse multos, num aut criminosum est aut mirandum, qua in civitate rogati infimorum hominum filios prope de nocte ex ultima saepe urbe deductum venire soleamus, in ea non esse gravatos homines prodire hora tertia in

campum Martium, praesertim talis viri nomine rogatos? Quid? si omnes societates venerunt, quarum ex numero multi sedent iudices; quid? si multi homines nostri ordinis honestissimi; quid? si illa officiosissima, quae neminem patitur non honeste in urbem introire, tota natio candidatorum, si denique ipse accusator noster Postumus obviam cum bene magna caterva sua venit, quid habet ista multitudo admirationis? Omitto clientes, vicinos, tribules, exercitum totum Luculli, qui ad triumphum per eos dies venerat; hoc dico, frequentiam in isto officio gratuitam non modo dignitati nullius umquam, sed ne voluntati quidem defuisse. 'At sectabantur multi.' 70
Doce mercede; concedam esse crimen. Hoc quidem remoto, quid reprehendis? XXXIV. 'Quid opus est', inquit, 'sectatoribus?' A me tu id quaeris, quid opus sit eo, quo semper usi sumus? Homines tenues unum habent in nostrum ordinem aut promerendi aut referendi beneficii locum, hanc in nostris petitionibus operam atque adsectationem. Neque enim fieri potest neque postulandum est a nobis aut ab equitibus Romanis, ut suos necessarios adsectentur totos dies; a quibus si domus nostra celebratur, si interdum ad forum deducimur, si uno basilicae spatio honestamur, diligenter observari videmur et coli; tenuiorum amicorum et non occupatorum est ista adsiduitas, quorum copia bonis viris et beneficis deesse non solet. Noli igitur eripere hunc inferiori 71
generi hominum fructum officii, Cato; sine eos, qui omnia a nobis sperant, habere ipsos quoque aliquid, quod nobis tribuere possint. Si nihil erit praeter ipsorum suffragium, tenue est; ut suffragentur, nihil

valent gratia; ipsi denique ut solent loqui, non dicere pro nobis, non spondere, non vocare domum suam possunt. Atque haec a nobis petunt omnia neque ulla re alia, quae a nobis consequuntur, nisi hac opera sua compensari putant posse. Itaque et legi Fabiae, quae est de numero sectatorum, et senatus consulto, quod est L. Caesare consule factum, restiterunt. Nulla est enim poena, quae possit observantiam tenuiorum ab hoc vetere instituto officiorum exclu-
72 dere. 'At spectacula sunt tributim data et ad prandium vulgo vocati.' Etsi hoc factum a Murena omnino, iudices, non est, ab eius amicis autem more et modo factum est, tamen admonitus re ipsa recordor, quantum hae conquestiones in senatu habitae punctorum nobis, Servi, detraxerint. Quod enim tempus fuit aut nostra aut patrum nostrorum memoria, quo haec, sive ambitio est sive liberalitas, non fuerit, ut locus et in circo et in foro daretur amicis et tribulibus? Haec homines tenuiores *praemia commodaque* a suis tribulibus vetere instituto adsequebantur.

73 XXXV. *Quodsi accusatores criminantur Murenam per suum* praefectum fabrum semel locum tribulibus suis dedisse, quid statuent in viros primarios, qui in circo totas tabernas tribulium causa compararunt? Haec omnia sectatorum, spectaculorum, prandiorum crimina, multitudine invita, tua nimia diligentia, Servi, collecta sunt; in quibus tamen Murena senatus auctoritate defenditur. Quid enim? senatus num obviam prodire crimen putat? Non, sed mercede. Convince. Num sectari multos? Non, sed conductos. Doce. Num locum ad spectandum dare aut

ad prandium invitare? Minime, sed vulgo. Quid est vulgo? Universos. Non igitur, si L. Natta, summo loco adulescens, qui et quo animo iam sit et qualis vir futurus sit, videmus, in equitum centuriis voluit esse et ad hoc officium necessitudinis et ad reliquum tempus gratiosus, id erit eius vitrico fraudi aut crimini, nec, si virgo Vestalis, huius propinqua et necessaria, locum suum gladiatorium concessit huic, non et illa pie fecit et hic a culpa est remotus. Omnia haec sunt officia necessariorum, commoda tenuiorum, munia candidatorum.

At enim agit mecum austere et Stoice Cato, negat **74**
verum esse adlici benevolentiam cibo, negat iudicium hominum in magistratibus mandandis corrumpi voluptatibus oportere. Ergo, ad cenam petitionis causa si quis vocat, condemnetur? 'Quippe,' inquit; 'tu mihi summum imperium, summam auctoritatem, tu gubernacula rei publicae petas fovendis hominum sensibus et deleniendis animis et adhibendis voluptatibus? Utrum lenocinium,' inquit, 'a grege delicatae iuventutis an orbis terrarum imperium a populo Romano petebas?' Horribilis oratio; sed eam usus, vita, mores, civitas ipsa respuit. Neque tamen Lacedaemonii, auctores istius vitae atque orationis, qui cotidianis epulis in robore accumbunt, neque vero Cretes, quorum nemo gustavit umquam cubans, melius quam Romani homines, qui tempora voluptatis laborisque dispertiunt, res publicas suas retinuerunt; quorum alteri uno adventu nostri exercitus deleti sunt, alteri nostri imperii praesidio disciplinam suam legesque conservant. XXXVI. **75**
Quare noli, Cato, maiorum instituta, quae res ipsa,

quae diuturnitas imperii comprobat, nimium severa oratione reprehendere. Fuit eodem ex studio vir eruditus apud patres nostros et honestus homo et nobilis, Q. Tubero. Is, cum epulum Q. Maximus P. Africani, patrui sui, nomine populo Romano daret, rogatus est a Maximo, ut triclinium sterneret, cum esset Tubero eiusdem Africani sororis filius. Atque ille, homo eruditissimus ac Stoicus, stravit pelliculis haedinis lectulos Punicanos et exposuit vasa Samia, quasi vero esset Diogenes Cynicus mortuus et non divini hominis Africani mors honestaretur; quem cum supremo eius die Maximus laudaret, gratias egit dis immortalibus, quod ille vir in hac re publica potissimum natus esset; necesse enim fuisse ibi esse terrarum imperium, ubi ille esset. Huius in morte celebranda graviter tulit populus Romanus hanc perversam sapientiam Tuberonis;
76 itaque homo integerrimus, civis optimus, cum esset L. Pauli nepos, P. Africani, ut dixi, sororis filius, his haedinis pelliculis praetura deiectus est. Odit populus Romanus privatam luxuriam, publicam magnificentiam diligit; non amat profusas epulas, sordes et inhumanitatem multo minus; distinguit ratione officiorum ac temporum vicissitudinem laboris ac voluptatis. Nam quod ais nulla re adlici hominum mentes oportere ad magistratum mandandum nisi dignitate, hoc tu ipse, in quo summa est dignitas, non servas. Cur enim quemquam, ut studeat tibi, ut te adiuvet, rogas? Rogas tu me, ut mihi praesis, ut committam ego me tibi? Quid tandem? istuc me rogari oportet abs te an te potius a me, ut pro
77 mea salute laborem periculumque suscipias? Quid,

quod habes nomenclatorem? in eo quidem fallis et decipis. Nam, si nomine appellari abs te cives tuos honestum est, turpe est eos notiores esse servo tuo quam tibi. Sin etiam cum noris, tamen per monitorem appellandi sunt, cur ante petis, quam nomen citavit? Quid quod, cum admoneris, tamen, quasi tute noris, ita salutas? Quid *quod*, posteaquam es designatus, multo salutas neglegentius? Haec omnia ad rationem civitatis si derigas, recta sunt; sin perpendere ad disciplinae praecepta velis, reperiantur pravissima. Quare nec plebi Romanae eripiendi fructus isti sunt ludorum, gladiatorum, conviviorum, quae omnia maiores nostri comparaverunt, nec candidatis ista benignitas adimenda est, quae liberalitatem magis significat quam largitionem.

XXXVII. At enim te ad accusandum res publica **78**
adduxit. Credo, Cato, te isto animo atque ea opinione venisse; sed tu imprudentia laberis. Ego quod facio, iudices, cum amicitiae dignitatisque L. Murenae gratia facio, tum me pacis, otii, concordiae, libertatis, salutis, vitae denique omnium nostrum causa facere clamo atque testor. Audite, audite consulem, iudices, nihil dicam adrogantius, tantum dicam, totos dies atque noctes de re publica cogitantem! Non usque eo L. Catilina rem publicam despexit atque contempsit, ut ea copia, quam secum eduxit, se hanc civitatem oppressurum arbitraretur. Latius patet illius sceleris contagio, quam quisquam putat, ad plures pertinet. Intus, intus, inquam, est equus Troianus; a quo numquam me consule dormientes opprimemini. Quaeris a me, ecquid ego **79**

Catilinam metuam. Nihil, et curavi, ne quis met-
ueret, sed copias illius, quas hic video, dico esse
metuendas; nec tam timendus est nunc exercitus
L. Catilinae quam isti, qui illum exercitum de-
seruisse dicuntur. Non enim deseruerunt, sed
ab illo in speculis atque insidiis relicti in capite
atque in cervicibus nostris restiterunt. Hi et inte-
grum consulem et bonum imperatorem et natura
et fortuna cum rei publicae salute coniunctum deici
de urbis praesidio et de custodia civitatis vestris
sententiis deturbari volunt. Quorum ego ferrum et
audaciam reieci in campo, debilitavi in foro, com-
pressi etiam domi meae saepe, iudices, his vos si
alterum consulem tradideritis, plus multo erunt
vestris sententiis quam suis gladiis consecuti. Magni
interest, iudices, id quod ego multis repugnantibus
egi atque perfeci, esse Kalendis Ianuariis in re
80 publica duos consules. Nolite arbitrari, mediocribus
consiliis aut usitatis viis aut *toleranda audacia agi.*
Non lex improba, non perniciosa largitio, non audi-
tum aliquando aliquod malum rei publicae quaeritur.
Inita sunt in hac civitate consilia, iudices, urbis
delendae, civium trucidandorum, nominis Romani
exstinguendi. Atque haec cives, cives, inquam, si
eos hoc nomine appellari fas est, de patria sua et
cogitant et cogitaverunt. Horum ego cotidie con-
siliis occurro, audaciam debilito, sceleri resisto. Sed
moneo, iudices: in exitu iam est meus consulatus;
nolite mihi subtrahere vicarium meae diligentiae,
nolite adimere eum, cui rem publicam cupio tradere
incolumem ab his tantis periculis defendendam.

81 XXXVIII. Atque ad haec mala, iudices, quid

accedat aliud, non videtis? Te, te appello, Cato; nonne prospicis tempestatem anni tui? Iam enim hesterna contione intonuit vox perniciosa designati tribuni, collegae tui; contra quem multum tua mens, multum omnes boni providerunt, qui te ad tribunatus petitionem vocaverunt. Omnia, quae per hoc triennium agitata sunt, iam ab eo tempore, quo a L. Catilina et Cn. Pisone initum consilium senatus interficiendi scitis esse, in hos dies, in hos menses,
in hoc tempus erumpunt. Qui locus est, iudices, **82**
quod tempus, qui dies, quae nox, cum ego non ex istorum insidiis ac mucronibus non solum meo, sed multo etiam magis divino consilio eripiar atque evolem? Neque isti me meo nomine interficere, sed vigilantem consulem de rei publicae praesidio demovere volunt; nec minus vellent, Cato, te quoque aliqua ratione, si possent, tollere: id quod, mihi crede, et agunt et moliuntur. Vident, quantum in te sit animi, quantum ingenii, quantum auctoritatis, quantum rei publicae praesidii; sed, cum consulari auctoritate et auxilio spoliatam vim tribuniciam viderint, tum se facilius inermem et debilitatum te oppressuros arbitrantur. Nam, ne sufficiatur consul, non timent. Vident in tuorum potestate collegarum fore; sperant sibi *D.* Silanum, clarum virum, sine collega, te sine consule, rem publicam sine praesidio
obici posse. His tantis in rebus tantisque in peri- **83**
culis est tuum, M. Cato, qui mihi non tibi, sed patriae natus esse *videris*, videre, quid agatur, retinere adiutorem, defensorem, socium in re publica, consulem non cupidum, consulem, quod maxime tempus hoc postulat, fortuna constitutum ad amplexandum otium,

scientia ad bellum gerendum, animo et usu ad quod velis negotium.

XXXIX. Quamquam huiusce rei potestas omnis in vobis sita est, iudices; totam rem publicam vos in hac causa tenetis, vos gubernatis. Si L. Catilina cum suo consilio nefariorum hominum, quos secum eduxit, hac de re posset iudicare, condemnaret L. Murenam, si interficere posset, occideret. Petunt enim rationes illius, ut orbetur auxilio res publica, ut minuatur contra suum furorem imperatorum copia, ut maior facultas tribunis plebis detur depulso adversario seditionis ac discordiae concitandae. Idemne igitur delecti ex amplissimis ordinibus honestissimi atque sapientissimi viri iudicabunt, quod ille importunis-
84 simus gladiator, hostis rei publicae, iudicaret? Mihi credite, iudices, in hac causa non solum de L. Murenae, verum etiam de vestra salute sententiam feretis. In discrimen extremum venimus; nihil est iam, unde nos reficiamus aut ubi lapsi resistamus. Non solum minuenda non sunt auxilia, quae habemus, sed etiam nova, si fieri possit, comparanda. Hostis est enim non apud Anienem, quod bello Punico gravissimum visum est, sed in urbe, in foro (di immortales! sine gemitu hoc dici non potest); nonnemo etiam in illo sacrario rei publicae, in ipsa, inquam, curia nonnemo hostis est. Di faxint, ut meus collega, vir fortissimus, hoc Catilinae nefarium latrocinium armatus opprimat! ego togatus, vobis bonisque omnibus adiutoribus, hoc, quod conceptum res publica periculum parturit, consilio discutiam
85 et comprimam. Sed quid tandem fiet, si haec elapsa de manibus nostris in eum annum, qui consequitur,

redundarint? Unus erit consul, et is non in administrando bello, sed in sufficiendo collega occupatus. Hunc iam qui impedituri sint, *ne comitia habeat, parati sunt;* illa pestis immanis, manus importuna Catilinae prorumpet, *quae perniciem iam diu bonis omnibus* minatur; in agros suburbanos repente advolabit; versabitur in rostris furor, in curia timor, in foro coniuratio, in campo exercitus, in agris vastitas; omni autem in sede ac loco ferrum flammamque metuemus, quae iam diu comparantur. Eadem ista omnia, si ornata suis praesidiis erit res publica, facile et magistratuum consiliis et privatorum diligentia comprimentur.

XL. Quae cum ita sint, iudices, primum rei pub- **86**
licae causa, qua nulla res cuiquam potior debet esse, vos pro mea summa et vobis cognita in re publica diligentia moneo, pro auctoritate consulari hortor, pro magnitudine periculi obtestor, ut otio, ut paci, ut saluti, ut vitae vestrae et ceterorum civium consulatis; deinde ego idem vos defensoris et amici officio adductus oro atque obsecro, iudices, ut ne hominis miseri et cum corporis morbo, tum animi dolore confecti, L. Murenae, recentem gratulationem nova lamentatione obruatis. Modo maximo beneficio populi Romani ornatus fortunatus videbatur, quod primus in familiam veterem, primus in municipium antiquissimum consulatum attulisset; nunc idem squalore et sordibus confectus, lacrimis ac maerore perditus vester est supplex, iudices, vestram fidem obtestatur, *vestram* misericordiam implorat, vestram
potestatem ac vestras opes intuetur. Nolite, per **87**
deos immortales! iudices, hac eum *cum* re, qua se

honestiorem fore putavit, etiam ceteris ante partis honestatibus atque omni dignitate fortunaque privare. Atque ita vos L. Murena, iudices, orat atque obsecrat, si iniuste neminem laesit, si nullius aures voluntatemve violavit, si nemini, ut levissime dicam, odio nec domi nec militiae fuit, sit apud vos modestiae locus, sit demisso animo perfugium, sit auxilium pudori. Misericordiam spoliatio consulatus magnam habere debet, iudices; una enim eripiuntur cum consulatu omnia; invidiam vero his temporibus habere consulatus ipse nullam potest; obicitur enim contionibus seditiosorum, insidiis coniuratorum, telis Catilinae, ad omne denique periculum atque ad omnem
88 iniuriam solus opponitur. Quare quid invidendum Murenae aut cuiquam nostrum sit in hoc praeclaro consulatu, non video, iudices; quae vero miseranda sunt, ea et mihi ante oculos versantur et vos videre et perspicere potestis. XLI. Si, (quod Iuppiter omen avertat!) hunc vestris sententiis adflixeritis, quo se miser vertet? domumne? ut eam imaginem clarissimi viri, parentis sui, quam paucis ante diebus laureatam in sua gratulatione conspexit, eandem deformatam ignominia lugentemque videat? An ad matrem, quae misera modo consulem osculata filium suum, nunc cruciatur et sollicita est, ne eundem paulo post spoliatum omni dignitate conspiciat?
89 Sed quid ego matrem *eius* aut domum appello, quem nova poena legis et domo et parente et omnium suorum consuetudine conspectuque privat? Ibit igitur in exsilium miser? Quo? ad orientisne partes, in quibus annos multos legatus fuit, exercitus duxit, res maximas gessit? At habet magnum dolorem,

unde cum honore decesseris, eodem cum ignominia
reverti. An se in contrariam partem terrarum abdet,
ut Gallia Transalpina, quem nuper summo cum
imperio libentissime viderit, eundem lugentem, mae-
rentem, exsulem videat? In ea porro provincia quo
animo C. Murenam fratrem suum adspiciet? Qui
huius dolor, qui illius maeror erit, quae utriusque
lamentatio, quanta autem perturbatio fortunae atque
sermonis, cum, quibus in locis paucis ante diebus
factum esse consulem Murenam nuntii litteraeque
celebrarint et unde hospites atque amici gratulatum
Romam concurrerint, repente existet ipse nuntius
suae calamitatis! Quae si acerba, si misera, si 90
luctuosa sunt, si alienissima a mansuetudine et
misericordia vestra, iudices, conservate populi Ro-
mani beneficium, reddite rei publicae consulem, date
hoc ipsius pudori, date patri mortuo, date generi et
familiae, date etiam Lanuvio, municipio honestis-
simo, quod in hac tota causa frequens maestumque
vidistis. Nolite a sacris patriis Iunonis Sospitae,
cui omnes consules facere necesse est, domesticum
et suum consulem potissimum avellere. Quem ego
vobis, si quid habet aut momenti commendatio aut
auctoritatis confirmatio mea, consul consulem, iudices,
ita commendo, ut cupidissimum otii, studiosissimum
bonorum, acerrimum contra seditionem, fortissimum
in bello, inimicissimum huic coniurationi, quae nunc
rem publicam labefactat, futurum esse promittam et
spondeam.

NOTES.

Exordium, § 1–10.

C. I. § 1. **Quod precatus...sum**: compare the commencement of the speech post reditum ad Quirites: *quod precatus a Iove optimo maximo ceterisque dis immortalibus sum.* The proceedings at the *comitia* began and ended with a set form of prayer: cp. Liv. xxxix. 15, *consules in rostra escenderunt, et, contione advocata, cum sollemne carmen precationis, quod praefari priusquam populum alloquantur magistratus solent, peregisset, consul ita coepit.*

iudices: the full title of the speech is *Oratio pro L. Murena ad iùdices.* It deals with a criminal case or *causa publica*, i.e. one which concerns the whole body of the people, and not an individual. Other modes of address were *ad contionem*, before a meeting of the people summoned by a magistrate, without reference to the division into centuries and tribes; *ad senatum*, chiefly with a view to secure votes on political matters; *ad principem*,—very common in the time of the Empire—an appeal to the Emperor as judge: of such a nature were the speeches of Cicero on behalf of Deiotarus and Ligarius, which were heard before Caesar. For the composition of the jury, see Introd. p. xvii.

auspicato: 'after the auspices had been taken': this Absolute use of the Perf. Pass. Participle 'arises from the Impersonal Passive construction of the Finite Verb, as *erratum est* (a mistake has been made)'. Cp. Liv. v. 38, 1, *nec auspicato nec litato;* so *audito, errato, cognito, nuntiato.* On the morning of the day of meeting, the auspices were taken on the Campus Martius, and the *comitia* held or adjourned, according as they proved favourable or the reverse.

renuntiavi: 'declared duly elected': the regular word for the official announcement by the presiding magistrate of the result of an election, which was preceded by a proclamation by the herald (*praeco*).

mihi fidei magistratuique meo: 'for myself, my honour, and my office'. Cicero intentionally uses phrases from the old established formulae employed on such occasions: cp. Varro, de lingua latina, vi. 86 (of the election of censors), *quod bonum fortunatum felixque salutareque siet populo Romano Quiritium, mihi collegaeque meo, fidei magistratuique nostro.*

populo plebique Romanae: these words are a reminiscence of the time when the patricians, or 'full' citizens, alone formed the *populus* or body-politic of Rome, as distinct from the *plebs*, who were originally excluded from political privileges.

bene atque feliciter eveniret: also part of a solemn formula: cp. Pliny, Panegyricus, ch. 72 (in reference to the consuls appointed by Trajan), *iam quod precatus est ut illa ipsa ordinatio comitiorum bene ac feliciter eveniret nobis, reipublicae, tibi.*

ob ... obtinendum: 'when it is a question of maintaining': this construction is said to be specially used in archaic Latin and legal formulae: it is also found in Sallust, who is fond of archaisms.

salute: 'his civil status'. Cicero expresses the hope that Murena may be acquitted of the charges brought against him, the effect of which, if proved, would be so disastrous to him as a citizen.

et ut: i.e. *et* (*precor*) *ut.*

eaque res: i.e. this agreement (*consensus* to be supplied from *consentiant*).

concordiamque: when three or more co-ordinate nouns are thus combined, either (*a*) each of them is connected with the preceding by a conjunction, or (*b*) the conjunction is omitted altogether, or (*c*) it is omitted between the first members and *que* (not *et*, *ac*, or *atque*, unless it be desired to mark the last member as distinct from the rest) is annexed to the last: Madvig, § 434, obs. 1; cp. *mihi fidei magistratuique meo* above, and *honore fama fortunisque* at end of § 2.

vim: 'weight, efficacy'. **religionem**: 'sanctity'.

me rogante: sc. *populum*; 'when I presided at the election', lit. when I asked the people whom they would have for consuls.

§ 2. **aut translata ... aut communicata**: cp. pro Rabirio, II. 5, *potestas iudicum ... proxime ad deorum immortalium numen accedit.*

beneficium populi Romani: 'the distinction conferred upon him by the Roman people', i.e. the consulship.

cum salute: 'to the welfare of'.

officio: 'service,' due to Murena.

antequam ... instituo: the Present Indic. is sometimes used where we might expect the Future, especially with *antequam* and *priusquam*, when it is said that something will happen before something else (cp. R. § 598); cp. in Verr. II. 22, *antequam de incommodis Siciliae dico, pauca mihi videntur esse de provinciae dignitate dicenda;* Phil. II. 3, *priusquam de ceteris rebus respondeo, de amicitia pauca dicam.*

non quo ... sit: in clauses introduced by *non quod, non quo, non quia*, the 'rejected' or 'conceived' reason is put in the Subjunctive, the 'accepted' or 'real' reason in the Indicative; cp. Tusc. II. 23, 56, *pugiles ingemiscunt, non quod doleant, sed quia profundenda voce omne corpus intenditur.*

facto: 'course of action'.

honore fama fortunisque: see Introd. § 9.

C. II. § 3. **M. Catoni**: see Introd. § 7.

rationis: 'system' of philosophy, viz. the Stoic; see § 61 sqq.

ad certam normam (κανόνα): 'by, in accordance with a fixed rule'.

diligentissime: 'most scrupulously'.

momenta officiorum omnium: 'the relative weight, importance of each duty'. *Momentum* is properly that which turns the scale of a balance; here, that which induces any one to adopt a particular course of action. The Stoics attached great importance to questions of 'moral duties': Cicero's de officiis (περὶ τοῦ καθήκοντος) is modelled on a Stoic treatise of Panaetius; see § 66.

rectum = the Stoic κατόρθωμα, i.e. a morally right act performed with the full knowledge of why it is right.

legis ambitus latorem: 'the framer of a law against bribery' = *legis de ambitu latorem.* The law is the *lex Tullia*, for which see Introd. p. xiv.

attingere: 'have anything at all to do with'. **probem**: 'justify'.

iam traditur: for different readings see Critical Appendix. The Present is Proleptic or anticipatory, i.e. is used for the Future. Cicero's term of office was nearly over.

sustentata: substituted for *sustenta*, which is rarely used.

quod si ... debebit: 'but if, in suing for the recovery of such things as are formally transferred, it is the duty of one who has bound himself by a legal obligation to stand the risk of a decision, with still more justice, surely, in the trial of a consul elect, that man before all others, who has declared him consul, will be bound to become the guarantee of the honour conferred by the Roman people and to be the man to repel the danger'. *Res mancipi* were things that passed from the possession of one person to another by the process of *mancipatio* (taking in the hand) in which a regular formal ceremony was observed. In the presence of six grown-up persons, five of whom acted as witnesses, the purchaser took hold of the thing that was to become his property. The sixth (who was called *libripens*) held a pair of scales. The purchaser struck the scales with a small piece of copper (*aes*) which he handed to the seller: this formed a transaction *per aes et libram*: cp. Hor. Epp. II. 2, 158, *si proprium est, quod quis libra mercatus et aere est.* Such sales were always accompanied by a warranty or guarantee of title. Thus, if A transferred property to B, and C stepped in and claimed it (*repetere*), then A was bound either to make good his right to dispose of it to B, or to reimburse him for any loss he might sustain in the event of his being forced to surrender it. The contract or bond was called *nexus*: the person who guaranteed his right to dispose of the property *auctor*: and the process of claim by a third party *evictio*.

periculum iudicii: i.e. the risk of the decision of the court assigning the property to a third party: 'the risk of a verdict' in favour of C as against B.

profecto: 'surely then': this word is often found in Cicero with the Future in the Apodosis of a Conditional Sentence. He never uses it as a simple affirmative particle ('in truth'), but always to denote that the speaker wishes to represent something as his own personal opinion.

praestare: Cicero is bound to make good Murena's title to the consulship. The office is regarded as a *res mancipi*: Cicero is the seller (*venditor*), and Murena the purchaser (*emptor*).

auctor: 'guarantor': cp. Ernesti, clavis Cic. s. v. § 11: *est venditor, qui suum esse spondet, quod vendit, et eius vendendi se potestatem habere.* He is a person who sells or conveys a thing to another, and pledges himself that he has a right to do so; cp. in Verr. v. 22 *a malo auctore emere.*

beneficium: see § 2.

§ 4. **nonnullis in civitatibus**: such as Athens, where there were *σύνδικοι*, a kind of public counsel for the defence.

facultatis: 'oratorical ability, eloquence'.

invehuntur: Middle.

rationem: 'particulars about ...' = τὰ τῶν: cp. § 35, *ratio comitiorum*.

locorum: *scopulorum* or *saxorum* has been suggested here by Landgraf, on the ground that *locorum* can only mean 'haunts' of pirates, and that some word is required to denote a third source of danger to be guarded against, coordinate with *tempestatum* and *praedonum*. *Locorum* is usually taken to mean 'dangerous places', such as shoals, quicksands, sunken reefs.

fret ut iis faveamus: 'prompts us to sympathize with those'.

qui ... ingrediantur: subjunctive because subordinate to another subjunctive (*faveamus*).

terram ... videntem: 'in sight of land'; cp. de senect. § 71, *quae quidem* (*maturitas*) *mihi tam iucunda est, ut, quo propius ad mortem accedam, quasi terram videre videar aliquandoque in portum ex longa navigatione esse venturus.* The reference is to the expiration of Cicero's consulship, which, as it was now November, would take place in a few weeks' time. He regards his retirement from office as a haven of rest after a stormy consulship.

alio loco: c. XXXVII. § 79.

quantum ... intersit: Lentulus and Catiline's other accomplices had not yet been punished, and Cicero is afraid that there will still be cause for anxiety when the new consuls enter upon office.

duos consules: if Murena were convicted, there would be only one, Silanus.

§ 5. **me officium ... respublica consulem**: note the double antithesis; *officium*: 'feeling of obligation towards a friend, personal duty', contrasted with *res publica*, 'duty owed to the state, the interests of the state'; and *me*, where Cicero is speaking of himself in his individual private capacity, contrasted with *consulem*, used in reference to his official public character.

fortunas: see § 2.

C. III. **nam**: introduces the rhetorical Figure called *occupatio*, or anticipation of an opponent's objection.

ita tuli ... ut non: 'my purpose when I proposed it ... was not to ...'. The Imperfect denotes the object in view, at the moment when he *legem tulit.* If *abrogarim* be read, the meaning is, 'I certainly proposed it, but in such a manner that I did not thereby annul'.

largitionem: 'bribery'.

defenderem: 'maintain'; cp. § 34, *L. Murenam ... cognitum esse defendimus.*

§ 6. **negat**: sc. Cato.

verbis: cp. in Cat. II. 6, 13, *ego vehemens ille consul qui verbo cives in exsilium eicio.*

imperio: 'the authority vested in me'.

dicere: 'to plead': cp. note on § 71.

ego autem: 'my answer to this is that'.

partes: like *docuit, egi, personam, impositam,* and *sustinui,* is a theatrical term. *Partes* in this sense is always plural in good writers.

personam: 'rôle'; cp. pro Sulla, § 8, *hanc mihi tu si propter res gestas imponis in omni vita mea personam.*

huius imperii: sc. *consularis.*

vici naturam: 'did violence to my natural inclinations'.

cum, 'seeing that': causal, hence the Subjunctive (*vocent*). Contrast the purely temporal *tum ... cum desiderabat* just above.

consuetudini: Cicero was more commonly counsel for the defence.

alia in parte: cc. xxxii. and xxxvii.

§ 7. **ornatissimi**: 'most accomplished': for Servius Sulpicius, see Introd. p. ix.

conquestio: 'complaint': only used twice again (once § 72) in this sense in Cicero. As a rhetorical term it means 'an appeal to the feelings': cp. de invent. I. 55, 106, *conquestio est oratio auditorum misericordiam captans.*

necessitudinis: a stronger word than *familiaritas*, denoting some special tie or bond of union, while *familiaritas* only implies long acquaintance. Cicero and Sulpicius had studied at Rome together, as well as in Rhodes under Molo.

huic satis facere: 'to justify myself in his eyes'.

arbitros: 'umpires', in a general sense. The special distinction between *iudices* and *arbitri* was that, while the former

decided cases according to fixed principles of law, the latter gave their verdict on principles of equity.

cum ... tum: 'as ... so'.

etiam si ... accuseris: except in the Present Indic. Cicero prefers the ending *-re*: R. § 271. The 2nd person subj. introduces a general supposition, where we should say 'one': cp. Fr. *on*; Germ. *man*: cp. § 77, *haec omnia ad rationem civitatis si derigas.*

studia atque officia: 'energetic support and services'.

pro nostra necessitudine: 'as our intimacy demanded'.

a me: 'on my part'.

gratioso: used substantivally, 'a man of influence'. The *singular* of the adj. is used as a substantive: (1) when it is used as a *collective* noun, (2) when it stands in close connection with a substantive, as here: cp. Cat. IV. § 10, *largitorem et prodigum.*

abiit ... ratio est: 'that time is past, the position of things is altered'.

contra honorem: i.e. to prevent Murena's advancement to office. **salutem**: cp. § 1.

postulare = ἀξιοῦν: 'to demand as a right'.

§ 8. **tum, cum peteres ... adfui**: 'when, in narrative, an event is stated in the Perfect or Historic Present, a contemporary fact is expressed by *cum* with Imperfect Subjunctive, as *cum videret, ingemuit*: this is called *cum* Historic: and this usage is found even after *tum* [as here] where the Indic. might have been used': Pub. Sch. L. Gr. § 212.

peteres ... petas: note the play on the meanings of *petere*: 'pursue' (your candidature) and the Scotch 'pursuer' might express it. The word in the second instance is used in the sense of 'make a thrust at, attack', taken from the language of the arena: cp. Cat. I. § 11 *quotiescumque me petisti*: ib. § 5 *quot ego tuas petitiones ita coniectas, ut vitari non posse viderentur, parva quadam declinatione, et, ut aiunt, corpore effugi?*

adfui: 'supported your cause'.

cum ... petas: cp. § 6, *cum vocent.* Others read *cum petis.*

non modo ... sed ne quidem: in sentences of this kind, 'if a predicate or other word is common to both clauses, but stands with the latter [as here *potest*], the *non* after *modo* or *solum* is frequently omitted': R. § 881. Cp. pro Rosc. Am. § 65, *propterea quod, qui tantum facinus commiserunt, non modo sine cura quiescere, sed ne spirare quidem sine metu possunt.* But

if the common verb is in the first clause, or when there are two verbs, the second *non* is added. Contrast Liv. v. 38, 9, *unde non modo praesidii quicquam sed ne nuntius quidem cladis Romam est missus* with § 6 of the same chapter, *non modo non temptato certamine, sed ne clamore quidem reddito* and pro Rosc. Am. § 137, *id non modo re prohibere non licet, sed ne verbis quidem vituperare.*

etiam alienissimos: 'even the greatest strangers'.

C. IV. **mihi autem**: sharply contrasted with *etiam alienissimos.*

in capitis dimicatione: 'in a contest in which his civil rights are at stake': see Introd. § 9.

honoris contentione: 'struggle for office': so § 56.

superata est: Cicero had supported Sulpicius against Murena in his candidature for the consulship: on an occasion like the present, however, he says he cannot allow the claims of friendship to be sacrificed or overridden (*obrui*).

quae: i.e. my intimacy with Murena.

causa: i.e. *Murenae defendendi.*

mihi ... famam inussisset: 'would have branded me with the reproach of': *famam* (in a bad sense) *inurere*, like *notam, ignominiam inurere:* cp. Cat. I. 6, 13 *quae nota domesticae turpitudinis non inusta vitae tuae est?*

et suis: corresponds to *dignitas hominis*, as **populi Romani ornamentis** to *honoris amplitudo.*

causam tanti periculi: Genitive of Quality: 'a trial in which so much is at stake'.

integrum: 'open to me', i.e. it is not one in which I can do as I please, explained by *nam ... ingrati.* *Integrum est* is more commonly followed by Acc. and Inf.

sic existimo ... ingrati: This passage is in a corrupt state: for other conjectures see Critical Appendix. The general sense is: It would show cunning and ingratitude to discontinue the efforts which one has made in order to secure such rewards, after having obtained them: cunning, because it would show the chief motive of them to have been self-interest: ingratitude, because we ought always to be grateful to those who have assisted our advancement. The whole passage has been compared with a fragment of Cato the Censor (quoted by Priscian the grammarian), *nam periniurium fiat, cum mihi ob eos mores, quos prius habui, honos detur, ubi datus est, tum uti eos mutem atque alii modi sim.*

§ 9. **te auctore**: 'on your responsibility': i.e. if you will be answerable for it, that I can do so without reproach.

desinere: 'abandon my career' at the bar.

neglectio: only occurs here in Cicero.

improbitatem: 'a bad heart', 'want of principle'.

officiosus: 'obliging'.

studio: 'calling, profession'.

respondere: 'of giving advice on legal questions'; cp. on § 19.

te advocato: 'when your advice has been asked'. *Advocatus* here = *is qui de iure consulitur*, not one who comes into court to assist a friend by his presence and moral support; cp. Asconius in divin. p. 104, *advocatus est, si aut ius suggerit aut praesentiam suam commodat amico.* The meaning 'advocate', as we use the word, is only found in post-Augustan writers.

quem contra veneris: sc. *in iudicio*, 'your opponent'. *Anastrophe* (putting the preposition after its case) is specially common in legal formulae. Sulpicius, like others, was such a stickler for the dignity of the law that he considered it a serious reflection upon himself if any one, to whom he had previously given advice, and whom he might afterwards be called upon to oppose, lost his case.

causa cadere: 'to lose one's case, be non-suited', especially owing to some legal informality; cp. Cic. de invent. II. 19, *erat praeterea institutum, ut causa caderet is, qui non quemadmodum oportebat egisset.*

fontes: 'rich supplies', of legal lore; cp. de nat. deor. I. 120, *Democritus ... cuius fontibus Epicurus hortulos suos irrigavit.*

inimicis tuis = *adversariis amicorum tuorum* above.

clausos: cp. Virg. Ecl. III. 111, *claudite iam rivos, pueri; sat prata biberunt,* where *rivos* is used both in the literal and figurative sense.

§ 10. **removisset**: i.e. had induced me to decline the defence of Murena.

Q. Hortensio, M. Crasso: see Introd. § 8.

nemini ... infimo: we should rather have expected *ne ... infimo quidem;* cp. pro Rosc. Amer. § 77, *unus puer ... relictus non est;* de fin. v. 38, *nec ullo minimo momento;* pro Cluentio, *neque id ulla tenuissima suspicione.*

patronum: appointed by the Praetor; cp. Dig. III. 1, 4, *ait praetor, si non habebunt advocatum, ego dabo, nec solum his personis hanc humanitatem praetor solet exhibere, verum et si quis alius sit, qui certis ex causis, vel ambitione adversarii vel metu, patronum non invenit.* A *patronus* actually pleaded the cause of a client.

crudelem: 'heartless'.

quod dandum est: 'the concession that ought to be made', explained by *ut ... in loco.*

isto in loco: i.e. in the seats or benches (*subsellia*) allotted to the counsel for the prosecution.

officio, fidei, religioni: 'duty, honour, religion': note the climax (or *gradatio*) as it is called; 'a series of words or expressions each stronger than the preceding', R. § 947.

studium: 'eager efforts', i.e. to secure a conviction.

pro amici periculo: 'for a friend in distress'.

C. v. § 11. **tres ... partes**: this is the so-called **Partitio**, or division of a charge under its several heads: they were usually three in number. The **Confutatio**, or rebutting of the same (§ 11–§ 83)) is in like manner divided into three parts, the first of which (§ 11–§ 14) deals with the *reprehensio vitae*, or charges brought against the life and personal character of Murena.

contentione dignitatis: 'comparison of the respective merits or claims of the candidates'; for a different sense of *contentio*, see §§ 8, 56. Quintilian highly commends this *partitio*, as being very clear and free from all superfluities.

illos = *istos*, i.e. the accusers, the words being distinctly addressed to the jury.

lex: 'habit'; by *lex accusatoria* is meant the practice (so universally common as to deserve to be called a 'rule' or 'law') of trying to blacken the character of an accused person, so as to inspire prejudice against him. This may be readily understood from the line of cross-examination adopted, where possible, at the present day.

facultas: 'any real grounds'.

Asia: this province had a particularly bad name. Its evil effects upon the morals of the later emperors and their soldiers are well known: cp. Liv. xxxix. 6, *luxuriae enim peregrinae origo ab exercitu Asiatico invecta in urbem est.* Tacitus, Agric. vi., calls it *dives ac parata peccantibus*, and Liv. xxxiv. 4, 3, *omnibus libidinum illecebris repleta.* Cicero

says (§ 12) that it was all the more creditable to Murena to have been able to resist the temptations of such a country.

quae: 'which, however'; i.e. the Relative is adversative; cp. pro Rosc. Amer. § 118, *tametsi hoc quidem minime latet; quod ita promptum est.*

in militari labore: 'during the hardships of military service', while serving under his father; see Introd. p. vi.

a parente repudiatus: i.e. not considered worthy to accompany him.

an: this particle is frequently used in a question apparently simple, but which may be regarded as really the second member of an alternative question, the first being either not put in the form of a question or left to be inferred from the context. It introduces questions which imply the needlessness of the preceding remark, or meets anticipated objections; see R. § 888.

triumphantium: with both *equis* and *filii.* The sons who were of age to wear the *toga virilis* rode on their own horses *behind* the car; those who were still *praetextati* rode on the horses that drew it; still younger sons rode *in it.*

donis militaribus: 'military rewards, decorations'.

decorare fugiendum fuit: the Acc. and Inf. construction after *fugere,* though sometimes found in Cicero (cp. ad Att. x. 8, *ut non sit dubium, quin turpiter facere cum periculo fugiamus*), is chiefly confined to the poets, e.g. Hor. Od. I. 9, 13, *quid sit futurum cras, fuge quaerere.*

ut: with *decorare,* in the sense of *ita ut.*

§ 12. **hic vero** ... 'Yes, gentlemen, he *was* in Asia': *vero* is especially common in the speeches after *ego, hic, ille.*

gratulationi ... **fuit**: 'was a source of congratulation to': i.e. the father was congratulated on having such a son. Landgraf takes the words as = *gratulatus est.*

Asiae nomen: cp. § 13, *voluptatis nomen.*

habet: 'involves, carries with it'.

deportatum: the force of this word, in connection with *flagitium ac dedecus,* seems to be, that the effects of any crime committed in the province would follow him to Rome, so that he would 'carry home' a bad name on account of them; cp. *triumphum, benevolentiam deportare:* cp. ad Att. 6, 1, 7, *bene volentiam de provincia deportare.* Others refer it to things actually brought back, such as women, money, or valuable works of art.

in eo bello: the war against Mithridates: cp. Introd. p. vi.

finem stipendiorum ... fuisse: 'to have combined the conclusion of his service with his father's victory and triumph was a proof of'.

quidem: Adversative, 'however'; cp. pro Rosc. Amer. § 31, *quoniam quidem semel suscepi ... succurram.*

omnia occupavit: 'has occupied all the ground beforehand'.

C. VI. § 13. **saltatorem**: 'a mountebank'. Such an exhibition (of *individual* dancing) was looked upon as disgraceful, and only fit for actors; cp. in Pisonem, § 22, *quis te illis diebus sobrium, quis agentem aliquid, quod esset libero dignum ... vidit? cum collegae tui domus cantu et cymbalis personaret cumque ipse nudus in convivio saltaret?* Cornelius Nepos, vit. Epam. I., *scimus enim musicen nostris moribus abesse a principis persona, saltare etiam in vitiis poni: quae omnia apud Graecos et grata et laude digna ducuntur.* This must not, however, be understood of all kinds of dancing, e.g. Quintilian approves of the Pyrrhic or military dance. The reference is to more or less indecent dancing adopted from the stage.

maledictum est ... conviciatoris: Cicero says, if the charge is a true one, it is a sign of an over-anxious accuser; if a false one, it is a gross calumny; cp. pro Coelio, III. 6, *aliud est maledicere, aliud accusare. Accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet: maledictio autem nihil habet propositi praeter contumeliam, quae si petulantius iactatur, convicium, si facetius, urbanitas nominatur.*

ex trivio: 'out of the street', as we talk of 'Billingsgate' or 'Whitechapel'.

scurrarum: the word *scurra* means a parasite, professional diner-out who pays for his dinner by his conversation and powers of amusement, and attaches himself to some rich patron.

convicio: another reading is *convivio.*

nemo enim fere saltat sobrius: cp. Ovid, Fasti v. 297, *ebrius incinctis philyra conviva capillis saltat, et imprudens utitur arte meri* (i.e. dancing). Notice the Latin equivalent of 'hardly anybody'.

nisi forte insanit: *nisi forte, nisi tamen, nisi vero* have an ironical sense.

moderato atque honesto: 'temperate and respectable'.

tempestivi convivii: a banquet that began in 'good time', *before* the ninth hour (between 2 and 3 o'clock), and lasted into the night; the usual hour was the ninth in summer and the tenth in winter; cp. Iuv. I. 49, *exsul ab octava Marius bibit et fruitur Dis iratis;* Sueton. Nero, § 27, *epulas a medio die ad mediam noctem protrahebat.*

amoeni loci: the word *amoenus* is used of *natural* beauty of position and scenery.

mihi: the Ethic Dative, as it is called, 'the Dative of a Pronoun, loosely added, and expressing general reference to a Person'; Pub. Sch. L. Gr. § 141, 4; cp. § 21 and § 74. The usage belongs to popular, conversational language.

adripis: 'catch at, pitch upon'; cp. § 62.

relinquis: 'pass by, leave unnoticed'.

omnino esse non potest: 'cannot exist at all'.

voluptatis nomen: For this Genitive of Definition (used instead of a noun in apposition), cp. § 12, *Asiae nomen*, § 23, *virtutibus continentiae, gravitatis;* Tac. Germ. II., *vocabulum Germaniae*, and other examples in Prof. Mayor's note on Phil. II. § 78.

umbram: 'the constant attendant', just as we talk of a person being another's 'shadow'; cp. the Americanism 'to shadow a man'; cp. in Pis. § 57, *inanem aucupari rumorem et omnes umbras etiam falsae gloriae consectari.* There may be also some allusion to the meaning 'uninvited guest', who is taken to a banquet by one who has been invited; cp. Hor. Epp. I. 5, 28, *locus est et plurimus umbris.*

§ 14. **sic a me consul ... defenditur, ut eius** ... 'I have to defend a consul, against whom'; we cannot render *sic ut* literally.

petulans dictum: 'licentious expression'.

bene habet: 'good'; a colloquial expression, not elsewhere found in Cicero (*belle habet* occurs in the letters), but frequent in the comic poets and in Livy (speeches).

virum, in reference to his public, **hominem** in reference to his private life.

quo constituto: 'this being established'.

contentionem dignitatis: see on § 11.

C. VII. § 15. Here commences the second part of the *Confutatio* (§ 15–§ 53), dealing with the respective claims of the candidates.

ornamentorum: 'accomplishments'.

genus: the *gens Licinia* was plebeian.

quo loco si tibi hoc sumis: 'and as to this point if you assume'.

in Aventinum: according to Livy II. 32, the secession was made to the Sacer Mons, although he there mentions that, according to the Annalist Piso, it was the Aventine, and in fact he himself afterwards seems to say so (III. 54).

esse videatur: a stock rhetorical phrase of Cicero's. Cp. Quintilian, X. 2, 18, *otiosi et supini, si quid modo longius produxerunt, iurant ita Ciceronem locuturum fuisse. noveram quosdam, qui se pulchre expressisse genus illud caelestis huius in dicendo viri sibi viderentur, si in clausula possuissent* **esse videatur.** The objection to *esse videtur* is obvious.

et proavus ... et avus: nothing further is known of them. The Apodosis begins here.

fuit: the verb is in the singular, 'because each individual is thought of separately, and the verb transferred to the nearest object', Madv. § 213 a.

triumphasset: see Introd. p. vi.

gradum: 'avenue, road'.

patri debitus: after his distinguished praetorship he might reasonably have looked forward to the consulship.

§ 16. **summa**: one Servius Sulpicius was consul B.C. 501 (Liv. II. 19): cp. Tac. Ann. III. 48, *veterem et patriciam Sulpiciorum familiam.*

litteratis: 'men of letters, literary men': *litteratus* is a man of real learning, a genuine *savant,* as contrasted with *litterator*, one who had a mere smattering of knowledge: cp. Sueton. de Gram. 4, *sunt qui litteratum a litteratore distinguant ut Graeci grammaticum* [γραμματικὸς] *a grammatista* [γραμματιστὴς] *et illum quidem absolute, hunc mediocriter doctum existiment.*

historicis: 'antiquarians' rather than 'historians'.

obscurior: 'less familiar'.

ex annalium vetustate: 'from musty annals'. The oldest of the Roman annalists were Q. Fabius Pictor, the father of Roman history, and L. Cincius Alimentus. The annalists formed Livy's chief authority.

eruenda: 'must be unearthed'.

in nostrum numerum: i.e. amongst the *novi homines.*

summa amplitudine, i.e. the consulship.

putarere: cp. on § 7.

Q. Pompeio: Quintus Pompeius Rufus, consul B.C. 141, and the first plebeian censor B.C. 131: he fought against the guerilla-chief Viriathus in Spain and before Numantia. He is said to have been the son of a flute player.

M. Aemilio: Marcus Aemilius Scaurus, twice consul (B.C. 115 and B.C. 107), censor B.C. 109, *princeps senatus*, and the maker of the Via Aemilia from Ariminum to Placentia; cp. Asconius, in Cic. pro Scauro, p. 20, *verum Scaurus ita fuit patricius, ut tribus supra eum aetatibus iacuerit domus eius fortuna; nam neque pater neque avus neque etiam proavus* (*ut puto, propter tenues opes et nullam vitae industriam*) *honores adepti sunt: itaque Scauro aeque ac novo homini laborandum fuit.*

animi: 'spirit': **ingenii**: 'talent'.

quam non acceperit: 'which one has not received'. This idiom is noticeable: when an Infinitive is used indefinitely (i.e. without a subject) as here *tradere* ('for anyone to hand on') a subordinate proposition may be subjoined to such an Infinitive, in the 3rd Person Sing. and without a definite subject, the same subject being understood to which the Infinitive might be referred, viz. 'one' (Madvig); cp. de Orat. I. 8, 30, *neque vero mihi quicquam praestabilius videtur quam posse ... voluntates impellere quo* **velit**, *unde autem* **velit** *deducere:* de fin. III. 21, 70, *fatentur alienum esse a iustitia detrahere quid de aliquo, quod sibi assumat.*

tradere: 'to hand on': Cicero says that it is just as honourable for a *novus homo* to confer distinction on his family, which has been hitherto unknown, by his own exertions and merits, as it is for a patrician to revive the fallen fortunes of his house.

C. VIII. § 17. **quamquam**: 'and yet': the statement of a fact opposite to or corrective of a previous statement is often introduced by *quamquam, tamen, etsi, tametsi:* R. § 871, 6.

Curiis: Manius Curius Dentatus, conqueror of the Samnites and Pyrrhus king of Epirus at Beneventum (B.C. 275): consul (for the first time) B.C. 290.

Catonibus: M. Porcius Cato the Censor, author of the saying *delenda est Carthago:* consul B.C. 195.

Mariis: C. Marius, conqueror of Jugurtha and the Cimbri and Teutones: consul (for the first time) B.C. 195: see Iuv. Sat. VIII. 245-253.

Didiis: T. Didius, fought in Macedonia and in Spain against the Celtiberi: consul B.C. 98.

Caeliis: C. Caelius Caldus, a supporter of the party of Marius: consul B.C. 94. He rose from nothing.

qui non modo ... iacebant: 'who, in spite of their appealing, not only to such great heroes of old, as ... but also to those of modern times, as ... nevertheless remained obscure'. For *commemorandis iacebant* we should rather have expected *commemoratis, tamen iacebant*, and commentators explain *commemorandis* as = *quamvis commemorarent*, quoting de off. I. 2, 5, *quis est enim, qui nullis officii praeceptis tradendis philosophum se audeat dicere?* Zumpt says 'it is a careless sort of instrumental ablative, for Cicero meant to write *Curiis ... commemorandis dignitatem suam frustra tuebantur*'.

tanto intervallo: 30 years (B.C. 93–B.C. 64).

claustra nobilitatis: 'the barrier by which noble birth is hedged in': cp. de lege agraria, II. 1, 3, *me perlongo intervallo prope memoriae temporumqe nostrorum primum hominem novum consulem fecistis et eum locum, quem nobilitas praesidiis firmatum atque omni ratione obvallatum tenebat, me duce rescidistis virtutique in posterum patere voluistis.*

ista: which you bring forward to the prejudice of Murena.

apud maiores nostros: since B.C. 366, the date of the election of the first plebeian consul: cp. Liv. VI. 36.

de generis novitate: the reproach of being a *novus homo* could not properly be brought against Murena, as his great-grandfather had held a curule office: the meaning is that his family was not *so old* as that of Sulpicius.

duobus patriciis: Lucius Sergius Catilina (the conspirator) and Publius Sulpicius Galba. There were also four plebeian candidates.

dignitate: 'personal merit': **gratia**: 'popularity'.

id: the fact that I defeated my opponents.

profecto: see on § 3.

§ 18. **quaesturam ... prior**: The quaestors were elected at the *comitia tributa*, and the candidate who first got the votes of eighteen of the thirty-five tribes taken in order was declared duly elected before the others. Sulpicius is supposed to say that he was declared quaestor first, and is consequently to be considered superior to Murena in personal merit. Cicero replies that one *must* be named first, but that this is no proof of relative merit: cp. pro Plancio VI., *sunt omnes sine macula, sunt aeque boni viri atque integri, sed servari necesse est gradus.*

non est respondendum ad omnia: i.e. some objections are not worth answering.

pari momento sortis fuit: the quaestorships allotted to you and Murena were of equal importance, i.e. both were equally unimportant, as is explained by what follows. For *momentum* see on § 3.

lege Titia: nothing further is known of this law. It is supposed to have dealt with the apportionment of the *provinciae* of the quaestors.

provinciam tacitam et quietam: the word *provincia* (of doubtful etymology) originally signified the 'sphere of action' or 'department' in which a public official exercised his duty, such as the conduct of a particular war. In later times it was applied as a geographical term to a conquered district governed by magistrates sent from Rome; the first of such 'provinces' was Sicily. The 'province' here referred to must have been one of the *Italicae provinciae* or certain 'spheres of action' outside the city assigned to certain quaestors, chiefly concerned with imports and exports, and commercial matters generally, and less thought of than a provincial quaestorship abroad. These quaestors, who were four in number, were established after the final reduction of Italy in B.C. 267, and were called *quaestores classici*, because they were originally intended to superintend the building of the fleet, and to look after the defence of the coast. The best known of these *provinciae* were *provincia Ostiensis*, which, dealing with the corn supply, the populous sea-port of Ostia, and the *salinae* or salt works in the neighbourhood, was especially troublesome, and *Gallica*, in Cisalpine Gaul, in the neighbourhood of the Po, probably at Ariminum. *Gallicam* has been proposed for *lege Titia* above. A third was at Cales (Calles in Tac. Ann. IV. 27 is probably a corruption of Cales) then the capital of Roman Campania: the district assigned to the fourth is not known: it was possibly at Lilybaeum in Sicily. These *provinciae* were finally abolished by the Emperor Claudius; cp. Dio Cassius, 681 A, *τοῖς μὲν οὖν ταμίαις τὴν διοίκησιν* (the charge of the treasury of which they had been deprived by Augustus) *ἀντὶ τῶν ἀρχῶν τῶν ἐν τῇ Ἰταλίᾳ ἔξω τῆς πόλεως ἀντέδωκε· πάσας γὰρ αὐτὰς ἔπαυσε.*

adclamari: always used in a bad sense in Cicero; here 'ironically applauded', or perhaps 'grumbled at', by those to whose lot it fell.

gratiosam: 'conferring influence'.

consedit: 'remained unnoticed', i.e. neither of you did anything remarkable.

campum: 'scope'; cp. Iuv. I. 19, *cur tamen hoc potius libeat decurrere campo;* de Orat. III. 31, *hoc ... campo cum liceat oratori vagari libere;* Philip. XIV. 6, 17, *magnus est in*

republica campus. The word is specially used by itself of the Campus Martius.

cognosci: 'win its way to recognition'.

C. IX. § 19. **reliqui temporis spatium**: i.e. the time between their quaestorship and praetorship. Neither of them held the office of aedile.

in contentionem vocatur: 'is made the subject of comparison'.

tractatum: 'spent, employed'.

urbanam militiam: 'city warfare'; the mimic warfare of the law courts ironically contrasted with Murena's achievements in actual warfare abroad.

respondendi, scribendi, cavendi: all legal terms. *Respondere* = to give advice to consulting clients; *scribere* = to draw up documents such as wills and plaints (a duty usually performed by lawyer's clerks); *cavere* = to point out to clients what to do and what not to do, to avoid injuring their case; Ernesti, clavis Cic. s. v. **Caveo** *de iurisconsultis dicitur, cum litigantibus ... sive verbo, sive scripto ostendunt, quomodo lis instruenda ... ne causa cadant.*

plenam stomachi: 'causing great annoyance'.

didicit: 'applied himself to'; not necessarily 'received instruction, learnt from a master'.

difficultatem exsorbuit: 'gulped down, swallowed their obstinacy', metaphorically; as we say 'he swallowed, i.e. put up with the affront'; cp. Brut. § 236, *Piso hominum ineptias ac stultitias, quae devorandae* [= *exsorbendae*] *nobis sunt, non ferebat;* ep. ad Q. Fr. III. 4, *ista odia non solum sorbeo, sed etiam concoquo* (digest).

magna laus et grata omnibus: 'it is highly meritorious and deserving recognition from all'.

§ 20. **legatus Lucullo fuit**: 'the use of the Dative with the verb *sum* and a predicate is especially noticeable, where the relation in which one person stands to another is specified'; Madv. § 241, obs. 4.

Asiam istam: 'that Asia of yours, that Asia which you fling in his teeth': cp. § 11.

refertam: sc. *opibus;* 'crowded with wealth'; also used absolutely in Tac. Hist. II. 56, *refertos agros.*

delicatam: 'the home of pleasure'; cp. what follows, where *avaritiae* refers to *refertam, luxuriae* to *delicatam.*

maximo in bello: the 3rd Mithridatic.

quamquam ... loquor: all the MSS. (with one exception) give *loquar*, which is an exceedingly rare construction in Cicero, although common in poets and Silver Age writers, as Tacitus and Suetonius.

praesente: Lucullus was in court, to support Murena by his presence.

periculum nostrum: Cicero identifies his client's interests with his own.

fingendi: 'of inventing'.

publicis litteris: 'official despatches'.

debuit: 'was under any obligation to'.

§ 21. **honestas**: 'distinction': the word is never to be translated 'honesty', which is *probitas* or *integritas*.

agitat: 'attacks', milder than *insectatur*, 'loudly inveighs against'.

adsiduitatis: 'plodding'.

operarum: probably with contemptuous reference to the work of a day-labourer. For the succession of genitives cp. Cat. I. § 7, *tuorum consiliorum reprimendorum;* pro Rosc. Am. § 103, *illorum ipsorum bonorum.*

mihi: cp. § 13, 'Look here, says he'.

apud exercitum ... contendas: 'Are you, after having been on service for so many years, without ever having set foot in the Forum, after having been away so long ... are you, I say, to contest the question of personal merit?' The Subjunctive expresses astonishment and disapproval. Dr. Kennedy calls this the Dubitative use of the pure Conjunctive, and merely an extension of the Potential to Interrogative form; Pub. Sch. L. Gr., § 94, B. Cp. Philip. XIII. 7, *cum hoc pacem fieri posse cedamus?* ib. II. 5, *eum tu occideres?* pro Sulla, § 44, *tu ... repente ementiare?* Hor. Sat. II. 6, 30, *tu pulses omne quod obstat?*

ista nostra: 'that of ours to which you refer'.

gratiam: sc. *populi Romani.* Cicero says that a man who wishes to be popular must show himself.

verum tamen ... obfuisset: he means that it would have done neither of them any harm if they had gone into temporary retirement; people might then have missed them and wished them back again; cp. ad Att. II. 5, 1, *cupio ... ab hac hominum satietate nostri discedere et cum aliquo desiderio reverti.*

§ 22. **studiorum atque artium contentionem**: 'comparison of professions and branches of knowledge'.

dignitatis: 'claim' founded on personal merit.

de nocte : 'in the dead of night'; according to Censorinus (de die nat. c. 24) the words properly denote the period of time beween midnight and the first cock-crow (*gallicinium*); cp. Hor. Sat. I. 1, 9, *agricolam laudat iuris legumque peritus sub galli cantum consultor ubi ostia pulsat.*

respondeas : see on § 19.

bucinarum : the *bucina* was employed in giving the signal for changing the watches.

actionem instituis : 'draw up a form of process'; *instituere* is also (though not often) used in the sense of *instruere* (to draw up an army in battle array). In like manner *capiantur* is a military as well as a legal term, implying (1) be surprised, (2) over-reached, and so lose their case. *Actio* is the general term for legal procedure in a case : Ernesti, clav. Cic. s. v., *Actio est formula, qua actor utitur in intendenda reo lite, quae a iureconsultis fere petebatur.*

tenet : 'understands'.

ut aquae pluviae arceantur : if any one diverted the rain-water from his own property to his neighbour's, and caused any damage, it was open to the injured party to bring an *actio pluviae arcendae;* this only applied to damage done to *land*, not to buildings. A man who possessed the right of turning the dripping from the eaves on to his neighbour's land was said to have a *ius stillicidii.*

regendis : 'marking out', with the idea of 'limiting', as contrasted with *propagandis*, 'enlarging'.

C. X. **praeclara** : the adjective *praeclarus*, when used ironically (as here), *precedes* the noun : cp. § 88, *in hoc praeclaro consulatu.*

latent : 'safely repose'.

increpuit : 'has made itself heard'; cp. Liv. IV. 43, 10, *unde si quid increpuit terroris;* in Cat. I. 7, *quicquid increpuerit, Catilinam timeri.*

tumultus : lit. alarm of war. The word denotes any sudden rising or outbreak in Italy, and also in Gallia Cisalpina : on such occasions there was a total cessation of all public business (*iustitium*). The *locus classicus* is Philip. VIII. 2, 3 : *potest bellum esse sine tumultu; tumultus esse sine bello non potest. quid enim est aliud tumultus, nisi perturbatio tanta, ut maior timor oriatur? unde etiam nomen ductum est tumultus. itaque maiores nostri* **tumultum Italicum, quod erat domesticus, tumultum Gallicum, quod erat Italiae finitimus, praeterea nullum tumultum nominabant.** *gravius*

autem tumultum esse quam bellum hinc intelligi licet, quod bello vacationes valent, tumultu non valent.

§ 23. **osculari**: 'to make much of, fondle'.

istud nescio quid: contemptuous; cp. Fr. *je ne sais quoi.*

virtutibus continentiae ...: see on § 13.

virtutibus ... consulatu: the two Ablatives are differently used: 'by reason of your virtues' ... 'worthy *of* the consulship'.

quidem: see § 12.

disciplina: 'branch of knowledge'.

munitam ... viam: the regular phrase for 'clearing a road'.

quae ... concilient: 'which are of such a kind as to win'; hence the subjunctive. Others have *conciliant.*

pergratam: 'which will inspire the highest gratitude'.

C. XI. § 24. **sunt in**: 'have to do with, are connected with'.

statu: 'stability, safety'. Others render simply 'condition'.

facultas ... 'that capacity, which has so often been instrumental in securing the election of a consul, the power, I mean, to stir ...'; *posse ... permovere* in apposition to *facultas.* Others have *dicendi* before *facultas.*

largitioni: the tribunes, especially in earlier times, were in the habit of promising grants of land or corn to the people at a very low price, or even for nothing, in order to gain their favour. Cic. is said to allude to the part he had himself taken in checking the designs of the tribune P. Servilius Rullus, against whom he had delivered a speech *de lege agraria* in the early part of the year. Others refer *largitio* to 'bribery and corruption' at elections.

plurimas gratias = *plurimorum gratias.*

in isto vestro artificio: 'in that poor craft of yours'. The word is contemptuously used for *studium* (profession).

§ 25. **tenui**: 'trifling, paltry'; or, 'quibbling, dealing with minutiae'.

res: i.e. the subjects with which it deals.

in singulis litteris: e.g. pro Caecina, XXIX. 77, where the dispute turns upon the difference between *deicere* and *eicere.*

interpunctionibus: ἅπαξ λεγόμενον. Instances of such quibbling are given by Quintilian VII. 9. Some one had left

instructions in his will that he was to be buried *inculto loco:* did this mean *inculto loco*, or *in culto loco?* Again, some one had directed that *statuam auream hastam tenentem* should be set up: is *auream* to be taken with *statuam* or *hastam?* So in Greek it might be disputed whether a man, who had left *bona* πάντα Λέοντι, had left all his property to Leon, or his property to Pantaleon.

posset agi lege necne: On certain days of the year (*fasti*) legal business could be transacted, on others (*nefasti*) not; cp. Ovid. Fast. I. 47, *ille nefastus erit, per quem tria verba* [do, dico, addico] *silentur: fastus erit, per quem lege licebit agi.* In the public calendar (*Fasti calendares*) these days were marked with F and N.

qui consulebantur, i.e. the patricians, especially the *pontifices*, to whom in early times the knowledge of such matters was confined.

Chaldaeis: these people (also called *mathematici*) were famous as astrologers. In later times they were frequently expelled from Rome by the Emperors, but generally returned. Tac. Hist. I. 22 characterises them as *genus hominum potentibus infidum, sperantibus fallax, quod in civitate nostra et vetabitur semper et retinebitur*; cp. Iuv. x. 93, 4, *principis* (Tiberius) *angusta Caprearum in rupe sedentis cum grege Chaldaeo.*

inventus est scriba quidam Cn. Flavius: this Gnaeus Flavius was the son of a freedman, and clerk of the lawyer Appius Claudius Caecus, who had arranged the *dies fasti* and *nefasti*, and various legal formulae. Flavius either stole or copied the book in which these were contained, and published it. In return for this he was made curule aedile and praetor. His book was called *ius Flavianum;* see Liv. IX. 46, 5, *civile ius repositum in penetralibus pontificum evulgavit fastosque circa forum in albo proposuit ut quando lege agi posset sciretur.*

qui cornicum oculos confixerit: a proverbial expression for taking in the most wary; cp. our 'catching a weasel asleep'; pro Flacco. XX. 46, *hic hercule cornici oculum, ut dicitur: nam hunc Hermippum, hominem eruditum, civem suum, cui debebat esse notissimus, percussit.* For the Subj. see R. § 702 sqq., and cp. Plautus, Captivi, 568, *tu enim repertu's, Philocratem qui superes veriverbio.*

ediscendis: 'for their being learnt by heart'; Dat. of purpose.

capsis: 'desks, escritoires': the more natural construction would be *ipsas capsas;* cp. Hor. Sat. I. 1, 120, *ne me Crispini scrinia lippi compilasse putes.* Others give *causis* with the MSS.

ratione: 'list, register'.

verba quaedam: 'certain legal formulae', purposely made more involved, so that they could not be understood without legal assistance.

interessent: 'might have something to say in the matter'; cp. our 'have a finger in the pie'.

C. xii. § 26. Cicero here proceeds to illustrate the technicalities of legal pleading. When a simple 'Yes' or 'No' would have been enough, the lawyers were not satisfied, but went in for long-winded phrases and formalities.

cum hoc ...: In cases where the ownership of a house, farm, or the like was disputed, the ancient form of procedure was that the praetor went with the litigants to the place in question, and gave judgment. Afterwards, when this became impracticable, owing to the large number of cases requiring settlement, the parties went together from court to the place, and brought, say a turf (*gleba*) from the farm, to represent the whole estate, which was delivered to the person to whom the praetor adjudged possession. This custom, however, was also discontinued, and a new form of process, long-winded and ceremonious, was introduced by the lawyers, which is here ridiculed by Cicero.

bellissime: 'perfectly well'.

noluerunt: i.e. *iuris consulti.*

cedo: an old Imperative form 2nd sing., of which a plural *cette* (=cedite) is found in early scenic poets. Properly meaning 'give', it was often used as a mere exclamation to call attention, as here; cp. Fr. *tenez.*

ex iure Quiritium: *ius Quiritium* comprehended all the rights of *Roman citizens*, public and private.

inde ibi: pleonastic with *manum consertum*, as *praesto aderat* below. Others take the two words separately: *inde* 'for that reason, i.e. because I claim the farm as mine: *ibi*, 'there', i.e. on the farm, taken with *consertum ex iure; iure* here signifies the praetor's tribunal, = *ex eo loco, ubi praetor ius dicit.*

manum consertum: 'to settle the question according to law'. *Consertum* is the supine. The expression (a military one, like *proelium, pugnam conserere*) had its origin in the contending parties laying their hands before the praetor upon that of which the ownership was disputed. Cp. Gellius, xx. 10, 7, *de qua re disceptatur in iure praesenti, sive ager sive quid aliud est, cum adversario simul manu prendere... id est vindicia.*

ille, unde petebatur: 'the defendant'; as *petitor* 'the plaintiff'.

tibicinis Latini modo: The *tibicines* 'crossed over' from one actor to the other on the stage, to accompany them: in the same manner the *iuris consultus* changes over from the plaintiff to the defendant. The *tibicines* were not native Romans, but from Latium: cp. Liv. IX. 30.

revoco: 'summon you *in turn*': cp. pro Rosc. Am. § 52, *qui neque in urbe viveret neque revocaturus esset* ('was not in a position to invite them in return').

pulchrum: 'fine': this meaning of the word belongs to the language of every-day life; cp. *bellissime* ('perfectly well') above and § 14 *bene habet.* We may perhaps translate *pulchrum ac beatum*, 'a rare fine fellow'.

carmen = a set form of words, not necessarily in verse.

suis utrisque superstitibus ... dico: 'I say to both parties in the presence of their witnesses'. The grammarian Festus says: **superstites** *testes praesentes significat.*

istam viam: i.e. to the *fundus*, to fetch the *gleba*.

ite viam = *inite:* 'set out, start'. At these words the litigants walked a few steps down the court, and returned at the words *redite viam*, in imitation of the old practice.

sapiens ille: contemptuous.

apud illos barbatos: Barbers were not introduced into Rome until B.C. 300, when they were brought from Sicily. The Emperor Hadrian revived the custom of letting the beard grow in order to hide some pimples on his chin, but shaving soon afterwards came into fashion again.

in iure: 'before the court': cp. Dig. I. 2, 11, *alia significatione dicitur locus, in quo ius redditur ... ubicumque praetor ... ius dicere constituit, is locus recte* ius *dicitur.* The conclusion of the formula was *postulo an fuas* (= *sis*) *auctor.*

anne tu ...: cp. Gaius, IV. 16, *qui prior vindicaverat, ita alterum interrogabat: postulo anne dicas qua ex causa vindicaveris:* i.e. I, the plaintiff, ask whether you will state on what grounds you have laid claim.

petebantur: see § 25.

in manibus iactata et excussa: 'thoroughly handled and examined'. *Excutere* is sometimes specially used of 'searching' a person to see if he has anything concealed about him, such as weapons.

prudentiae: 'common sense'.

fraudis: 'snares, pitfalls': (or perhaps 'harm', as in the phrase *sine fraude*). One who did not understand the technicalities was likely to lose his case through some informality.

§ 27. **iure consultorum**: the form *iuris consultus* is much commoner in Cicero. The grammarian Charisius says, *Iuris consultus dici debet, non iure consultus, licet Cicero pro Murena ita dixerit.*

ingeniis: 'subtleties': **depravata**: 'spoilt'.

mulieres omnes ...: All women, even those of full age, were obliged to be under the control of a guardian, being supposed to be incapable of taking care of themselves owing to their feeble intellect; a way, however, was found by which, instead of their being under the control of their guardians, the latter became subordinate to them: women were permitted to choose their own guardian (hence called *optivus*) on whom they would naturally impose their conditions beforehand. Cp. Gaius, I. 144, *veteres enim voluerunt feminas, etiamsi perfectae aetatis sint, propter animi levitatem in tutela esse:* ib. 150, *in persona tamen uxoris, quae in manu est, recepta, est etiam tutoris optio, id est, ut liceat ei permittere, quem velit ipsa, tutorem sibi optare.* Ulpian, XI. 1, *feminis* (*tutores constituuntur*) *et propter sexus infirmitatem et propter forensium rerum ignorantiam.*

continerentur: 'should be under the control of'.

sacra ... reperti sunt: Inherited property was often burdened with the obligation of performing certain private religious rites (*sacra privata*) connected with the worship of some particular family; as these entailed considerable expense, the following method of escaping them, in the case of women, was adopted. The woman entered into a kind of mock-marriage (*coemptio*) with a poor and childless old man, whereby the whole of her property, together with the obligation of keeping up the *sacra*, passed over to the man; the woman was then almost immediately set free, and received back the property piecemeal by way of gift (*dono*): the indemnification of the *sacra*, however, remained with the old man until his death, when they became extinct (*interierunt*) as he had no property to leave or children. We may notice the proverbial expression hence derived (*sine sacris hereditas*) used to signify 'great gain acquired at little trouble or expense': lit. an inheritance unencumbered with the obligation of sacred rites: cp. Plaut. trin. 484, *cena hac annonast sine sacris hereditas*, i.e. during the present high price of provisions a supper is as good as a legacy unencumbered with expenses.

aequitatem .. verba: we should speak of 'the spirit' and 'the letter' of the law.

alicuius: sc. *iuris consulti.*

exempli causa: not, 'for instance', which would require some verb like *nominare, adferre:* but, 'to serve as a model': cp. pro Rosc. Amer. § 27, *in qua muliere ... quasi exempli causa vestigia antiqui officii remanent.* The Latin equivalent of 'for instance' is *ut, velut.*

id nomen: i.e. Gaia.

coemptio: a marriage contracted by a kind of mutual purchase. The man and woman gave each other a small piece of money and repeated certain words. The effect of this was to put the woman in the relation of daughter to her husband, and involved the resignation of all her property to him. The other forms of marriage were *usus* and *confarreatio.*

Gaias: in the formula of *coemptio*, the woman was called *Gaia:* according to Mommsen this formula was as follows, *quando tu Gaius, ego Gaia.* The bridegroom, when bringing home the bride, asked her, before she entered her new home, what her name was, to which she replied in the above words (= where you are master, I am mistress) thereby declaring that she passed into the family of her husband.

diem tertium ... oporteret: of course there was really no dispute as to the meaning of these words. Cicero is merely ridiculing the excessive hair-splitting of the lawyers.

C. XIII. § 28. **dignitas**: 'claim' to the consulship.

gratiae: i.e. it has far less claim on popular favour.

promptum: 'easily accessible'.

gratum: 'likely to secure influence'.

beneficii collocandi: 'of conferring an obligation': *collocare* is a mercantile term, used of 'laying out, investing money'; *beneficium collocare* = χάριν κατατίθεσθαι.

licet consulere? Cicero says that, whereas it was formerly considered a great favour on the part of the lawyer to give advice, no one now even comes to ask for it. The client approached the lawyer with the words *licet consulere?* (may I ask your advice?), to which the lawyer replied *consule;* cp. Horace, Sat. II. 3, 192, *ergo consulere et mox respondere licebit? Consule.*

in ea prudentia: 'in the possession of such knowledge'.

rebus prolatis: *res prolatae* was the regular phrase for the suspension of public business in time of war, festivals, and

holidays; compare our 'vacation time'. The opposite was *res redierunt;* cp. Plaut. Capt. 78, 79, 85, 86, *ubi res prolatae sunt, quom rus homines eunt, simul prolatae res sunt nostris dentibus ... prolatis rebus, parasiti venatici sumus; quando res redierunt, Molossici;* ad Att. VII. 12, *rerum prolatio;* pro Sest. 62, 129, *ad res redeuntes venire;* orat. post red. 11, 27, *cum res rediissent.*

peritus: 'specially learned'.

perpaucis ... litteris: Manutius says, *loquitur de iure scripto: quod cum et breve sit, et minime obscurum, cognosci ab omnibus facile possit,* with especial reference to the XII. tables.

si ... moveritis: 'if you provoke me'. Cicero says that, in spite of pressure of other engagements, give him three days, and he will emerge a perfect master of the niceties of law.

de scripto: 'in accordance with written formulae', or *concepta verba.*

tam anguste: i.e. there are no hard and fast lines laid down, what formulae are applicable to what cases, the latter being all so much alike, that all that is necessary is to pick out some formula almost at random, and merely add the words, *qua de re agitur* (the matter in dispute); cp. Cic. Brut. 275, '*qua de re agitur,*' *illud quod multis in locis iuris consultorum includitur formulis.* For the Anastrophe *qua de re,* cp. § 9.

quae consuluntur: 'where it is a question of advice being asked'.

Servius; sc. Sulpicius.

controversum ius: cp. Manutius; **controversum ius,** *quod interpretationis est dubiae, et de quo disputare licet in utramque partem.*

§ 29. **vestris formulis**: 'the forms of you jurists.' *Formulae* are the 'forms' necessary to be employed in every case in bringing a charge before the praetor; cp. pro Rosc. com. § 24, *formulae de omnibus rebus constitutae.*

actionibus: 'processes, arrangement of plaints'.

consuetudo dicendi: 'familiarity with speaking', i.e. oratorical skill.

ad honorem 'in view of, when it is a matter of public advancement'. This use of *ad* is more commonly found after Adjectives like *aptus, idoneus,* and *interesse.*

plerique: hinting that Sulpicius only devoted himself to law because he found himself unable to excel in oratory; cp. Brut. 41, 151, *Rhodo ut rediit, videtur mihi in secunda arte* (law) *primus esse maluisse quam in prima* (oratory) *secundus.*

multo maluisse: the use of *multo* is due to the idea of comparison in *maluisse* (= *magis voluisse*).

artificibus: 'artistes' in the theatrical acceptation; *artifices* denotes 'artists' of all kinds, explained by the context or a qualifying word.

eos ... qui ... qui ... eos: the Chiasmus (a figure of speech, whereby 'a second and corresponding set of words is stated in inverse order to that of the first set') is noticeable. It is so called from the Greek X, thus:

ratio consentit

pugnat oratio. Roby, § 791, 4; § 947.

devenire: corresponding to *delabi;* Ernesti says, **devenire** *dicitur de iis, qui aliquo veniunt perfugii causa.*

salubritas = 'a generally healthy state', not so strong a word as **salus**, which means 'complete health'. Cicero says that the efforts of the orator are more likely to ensure the safety of a client than those of a lawyer.

ab iis qui dicunt = *oratoribus.*

in qua si satis profecissem: a bit of mock-modesty on Cicero's part.

nunc = νῦν δὲ; 'but, as it is'.

C. XIV. § 30. **artes**: 'professions': **pacis ornamenta**: 'advantages of peace'.

retinentur = *conservantur;* 'are preserved, maintained'.

tamen: = οὐ μὴν ἀλλὰ, 'not but what'. **studiis**: 'talents': **pudor**: 'feeling of honour'.

adpositis = *aptis*; cp. in Verr. v. 108, *homo bene adpositus ad istius audaciam.* Only used by Cicero in his earlier speeches.

aliqui motus novus: 'any uproar, disturbance'.

bellicum canere: 'to give the signal for war'; cp. Liv. xxxv. 18, *a Macedonia Philippum ubi primum bellicum cani audisset, arma capturum.*

ingeniosus poeta: Q. Ennius of Rudiae in Calabria (B.C. 239–B.C. 169); his chief work was a poem called *Annales*, written in Latin Hexameters, embracing the history of Rome

from the earliest times down to his own days. He also adapted Greek plays. The quotations that follow are made up from the *Annales* (viii. 276):

pellitur e medio sapientia, vi geritur res:
spernitur orator bonus, horridu(s) miles amatur.
haud doctis dictis certantes, sed maledictis
miscent inter sese inimicitiam minitantes.
non ex iure manum consertum, sed magi(s) ferro
rem repetunt regnumque parant, vadunt solida vi.

auctor bonus: 'a trustworthy authority'.

proeliis promulgatis: 'when war has been declared'. Although the words do not scan as they stand, the phrase is no doubt taken from Ennius. Cicero only uses *promulgare* with *legem*, *rogationem*, and the like.

verbosa: 'long-winded'.

sapientia: here of 'power of oratory'.

odiosus. 'tiresome': **horridus**: 'rough, uncouth'.

totum iacet: 'falls to the ground altogether'.

manum consertum: see on § 26.

cedat forum castris: contrast his own *cedant arma togae, concedat laurea laudi* (or *linguae*, as others read after Plutarch's rendering τῇ γλώττῃ) from his epic *de temporibus suis*, and see Prof. Mayor on Phil. II. § 20.

umbra soli: 'a retired life to an active one', the contrast being between that of the lawyer and the soldier; cp. Iuv. VII. 105, *sed genus ignavum quod lecto gaudet et umbra*; ib. 173, *rhetorica ... ab umbra*, and the expression *vita umbratilis* of a retired and studious life: also Plat. rep. 556 D, πένης ἡλιωμένος ... πλούσιος ἐσκιατροφηκώς.

propter quam ...: 'to which the state owes it that'; cp. pro Mil. § 58, *quod enim praemium satis magnum est ... tam fidelibus servis propter quos vivit?*

§ 31. **demonstrat**: 'endeavours to prove'.

mulierculis: 'with feeble women', as being Asiatics.

pauca: i.e. I will not say much, for *causa in hoc non continetur* (the case does not turn upon this).

nam: referring to *quod ego longe secus existimo.*

M' Curii: see on § 17.

T. Flaminini: Titus Quinctius Flamininus, who defeated Philip of Macedon at the battle of Cynoscephalae B.C. 197, and celebrated his triumph three years later.

M. Fulvii: M. Fulvius Nobilior celebrated a triumph over the Aetolians, who had assisted Antiochus, king of Syria, B.C. 187.

L. Pauli: Lucius Aemilius Paulus Macedonicus defeated Perse(u)s, king of Macedonia, at the battle of Pydna B.C. 168, and celebrated his triumph a year later. 'The name of the Macedonian king Perseus had an e- (or a-) stem used in Cicero, and a-eu stem used in Livy': R. § 160.

Q. Metelli: Q. Caecilius Metellus celebrated his triumph over the Pseudo-philippus (a youth named Andriscus, who pretended to be the son of Philip above) in Macedonia B.C. 146.

L. Mummii: triumphed B.C. 146 for his victory over the Achaeans and the capture of Corinth, when Greece was reduced to a Roman province under the name of Achaia.

ille ... hostis: Mithridates: **Asiaticae nationes**: especially of Asia Minor.

veterum rerum monumentis: 'records of ancient history'.

cum Antiocho: King of Syria, who crossed the Hellespont into Europe. Hannibal joined him, and undertook to rouse Carthage to invade Italy, while Antiochus was to attack Greece. The latter, however, wasted his time, and having been defeated at Thermopylae (B.C. 191) retired to Asia. In B.C. 190 Lucius Scipio Asiaticus completely defeated him at Magnesia.

ille refers to Publius, and **hic** to Lucius, contrary to the general usage.

Publio: Publius Cornelius Scipio Africanus Maior, the conqueror of Hannibal at the battle of Zama (B.C. 202). He was the first general who took his *cognomen* from a conquered country.

L. Scipio: Lucius Cornelius Scipio Asiaticus, so called from his victory over Antiochus.

prae se ferebat: 'boasted of'.

§ 32. **M. Catonis**: the Censor; at Thermopylae (B.C. 191) as *tribunus militum* he commanded the right wing of the Romans under M'. Acilius Glabrio against Antiochus.

ut ego mihi statuo: 'in my judgment'. The MSS. reading is *ut ... statuam*, i.e. *ut animo fingam, ut eius imaginem mihi informem* (Zumpt).

si arbitraretur: cp. *putaretur* below; the Imperfect Subj. is not uncommonly used in Conditional sentences of this class (Sumptio Ficti or unfulfilled condition); cp. de Senect. § 19, *consilium, ratio, sententia nisi essent in senibus, non summum consilium maiores nostri appellassent senatum*: 'he would never have set out ... had he at the time thought ...'.

senatus egisset: according to Livy xxxvii. 1, Africanus offered his services voluntarily: *P. Scipio Africanus dixit, si L. Scipioni fratri suo provinciam Graeciam decrevissent, se legatum iturum, haec vox magno assensu audita sustulit certamen;* cp. Phil. XI. 17, *surrexit P. Africanus ... dixitque se ei* (*fratri*) *legatum, id aetatis iisque rebus gestis* (*non*) *defuturum.* The discrepancy between these accounts and Cicero's is probably to be attributed to an intentional oratorical misrepresentation on the part of the latter, just as the statements that follow are exaggerated.

legatus fratri: for the Dat. cp. § 20.

C. XV. **qui** = *qualis.*

L. Sulla: he had defeated Archelaus, a general of Mithridates, at Chaeronea.

pugnax et acer et non rudis: sc. *rei militaris:* he had served against Jugurtha. Zumpt reads *pugnae certe non rudis.*

cum bellum ... for various readings see Critical Appendix.

cum pace: he allowed him to reign in his ancestral kingdom of Pontus; the real reason why Sulla concluded peace was the disturbed state of affairs which required his presence at Rome.

L. Murena: see Introd. p. vi.

vehementissime ... : the alliteration is noticeable.

repressum ... oppressum: note the play upon words (*παρονομασία, adnominatio*), and for abundant examples cp. Prof. Mayor's note on Phil. II. § 25; cp. in Cat. I. 12, 30, *hanc pestem non paulisper reprimi, sed in perpetuum comprimi volo.*

aliquot annis: B.C. 81-74.

rationes: 'means, resources' of war; others render 'plans'.

Oceanum cum Ponto: his object was to attack the Romans on the east, while Sertorius in Spain, with whom he had made an alliance in B.C. 75, did the same on the west.

§ 33. **duobus consulibus**: Lucius Licinius Lucullus and Marcus Aurelius Cotta.

ita ... ut: 'with orders that'.

alterius: referring to the second *alter;* i.e. Cotta, who was governor of Bithynia. When Mithridates invaded the province, which had been left to the Romans by Nicomedes, not feeling strong enough to resist him, he retreated to

Chalcedon opposite Byzantium, and was afterwards defeated with great loss: cp. the letter of Mithridates to the Parthian king Arsaces (in Sallust, hist. frag.) *M. Cottam Romanum ducem apud Chalcedona terra fudi, mari exui classe pulcherrima.*

L. Luculli: see Introd. p. vii.

cum ... constitisset: 'after the fury of the whole war had concentrated itself under the walls of the inhabitants of Cyzicus'. Cyzicus is in Mysia, situated on an island or the neck of a peninsula. It is called by Florus the Rome of Asia, and was famous for the beautiful designs of its coinage (Κυζικηνοὶ στατῆρες). The siege, fully described by Appian, is one of the most memorable in history. Others render *constitisset*, 'had settled down', i.e. after the turbulent campaign in Bithynia. Zumpt reads *exstitisset.*

provincia: the province of Asia included Mysia, Lydia, Caria, and Phrygia.

haec: C. F. W. Müller, who reads *perempta* instead of *perfecta*, refers *haec* to the plans of Mithridates.

defenderetur: 'saved', i.e. *successfully* defended.

omnes copiae ... consumerentur: according to Appian and Plutarch, Mithridates was short of provisions, which was one of the chief reasons for his abandoning the siege of Cyzicus.

pugnam navalem ad Tenedum: 'the sea-fight off Tenedos': cp. pro lege Man. VIII. 21 *ab eodem imperatore classem magnam et ornatam, quae ducibus Sertorianis ad Italiam studio atque odio inflammata raperetur, superatam esse atque depressam.* 'After the retreat of Mithridates from before Cyzicus ... he sent back 10,000 chosen troops under the three commanders, Varius, whom Sertorius had sent, the Paphlagonian Alexander, and Dionysius the eunuch. Lucullus ... came upon the main force of the three admirals in a barren island near Lemnos, and entirely annihilated it. It is plain from the agreement of our various authorities as to the date that this is the same battle as that which Cicero mentions in pro Mur. § 33 ... According to Cic. the squadron of the three admirals was destined to sail to Italy, and stir up anew the civil war there'. Halm, Introd. to pro leg. Manilia, translated by Prof. Wilkins.

contento cursu: 'in full sail'.

mitto: 'I say nothing about'.

arbitraris: see on § 7 for the termination.

rege Armeniorum: Tigranes.

C. xvi. **proelia**: as Tigranocerta and Artaxata.

§ 34. **hoc**: 'merely this': cp. § 78.

ille rex: Mithridates was dead, hence *ille*.

populus Romanus ... detulisset: after the recall of Lucullus, who had made himself unpopular both with the army and provincial officials, C. Manilius brought forward the bill for conferring the supreme command upon Pompey, which forms the subject of Cicero's speech *pro lege Manilia* or *de imperio Cn. Pompeii.* It was resisted by the *Optimates* [hence the omission of *senatus* here], but supported generally by the people; it was passed B.C. 66.

acerrima ... illa: the night-engagement at Nicopolis in Armenia.

pugnata: see note on § 61, *servitutem serviant.*

Bosphorum: sc. Cimmerium, the modern Crimea. We might have expected a preposition, but the construction follows that of towns and *Greek* names of countries. R. § 464, 5.

regno possesso: i.e. Pontus. The abl. abs. is equivalent to a concessive sentence.

oris ac notis sedibus: 'his coasts and well-known positions'.

tenuerat: his ancestral kingdom of Pontus; **adierat**: the Roman possessions in Asia: **sperarat**: the subjugation of Caucasus.

tamen: for the repeated *tamen* cp. Phil. II. 39, *verum tamen homines, quamvis in turbidis rebus sint, tamen si modo homines sunt interdum animis relaxantur;* pro Rosc. Am. § 53, *tametsi miserum est, tamen.*

vita expulit: in contrast with *sedibus pulso.* Cp. Florus, I. 40, *sed defectione civium Pharnacisque filii scelere praeventus male temptatum veneno spiritum ferro expulit.* His son, Pharnaces, received the kingdom of the Bosphorus as a reward for bringing his father's body to Pompey. The western part of the kingdom of Pontus was made a Roman province.

denique: 'then', and not till then: like *tum demum* = *τότε δή.*

arbitraretur: Passive: cp. in Verr. v. 106, *cum ipse praedonum socius arbitraretur.* Other readings are *arbitraremur* (Lambinus) and *arbitrarentur* (i.e. tot imperatores, Zumpt). Kayser inserts *a Pompeio* between *tanti* and *aestimata.*

defendimus: cp. § 5. = *allegare in defensionem* (Facciolati).

C. XVII. § 35. **at enim**: 'well but, say you', introducing an opponent's objection = ἀλλὰ νὴ Δία: Pub. Sch. L. Gr. § 79, 6 (b). For the objection see § 18.

ex syngrapha: contemptuous: 'on an indenture', i.e. as if they were tied down, and bound to act in a particular way, without having any choice left them in the matter.

agere cum populo: 'to propose to the people'.

locum honoris: 'precedence', referring to the order in which the names were called out when the result of the election was declared: **debeat**: i.e. dare.

fretum ... Euripum: 'strait' ... 'channel', in a general sense. The words are specially used of the *fretum Siculum* (straits of Messina) and the channel between the coast of Attica and Euboea (Negropont). The latter was noted for its rapid and varying currents. The geographer Pomponius Mela calls it *rapidum mare ... immodice fluens*.

agitationes commutationesque ... perturbationes ... aestus: 'swellings and choppings ... squalls ... tides'.

ratio comitiorum: see § 4.

commutat: i.e. *dies aut nox*: **parva aura**: ablative; 'by the slightest breath, whisper'.

quasi vero: 'as if forsooth'; ironical, like *nisi vero*; cp. Cic. ad fam. III. 7, *quasi vero id cupiditate defendendae nobilitatis fecerit*; Pub. Sch. L. Gr. § 227, II. (2).

§ 36. **L. Philippum**: Cic. Brut. § 166, *eodem tempore M. Herennius in mediocribus oratoribus Latine et diligenter loquentibus numeratus est, qui tamen summa nobilitate hominem, cognatione, sodalitate, collegio, summa etiam eloquentia, L. Philippum in consulatus petitione superavit* (B.C. 93; Philippus was elected to the consulship two years later).

opera: sc. forensi; cp. de Orat. IV. 1, 4, (*Philippus*) *et vehemens et disertus*.

Q. (Lutatium) Catulum: he was defeated three or four times in his candidature; the occasion here referred to was in B.C. 105; he was consul with Marius B.C. 102. Cp. pro Plancio, V. 12, *praeposuit populus Romanus Q. Catulo, summa in familia nato, sapientissimo et sanctissimo viro—Cn. Mallium non solum ignobilem, verum sine ingenio, sine virtute, vita etiam contempta ac sordida*. This Mallius (or Manlius) suffered a severe defeat from the Cimbri at Arausio (Orange), while it was chiefly owing to Catulus that they were beaten on the 'Raudian plains' (B.C. 101).

humanitate : 'culture', 'good breeding'.

M. Scaurum : see § 16. He was defeated in his candidature by Quintus Fabius Maximus Eburnus (B.C. 116).

horum nihil : a conversational expression, like *horum utrumque* (§ 37).

certo aliquo coeli signo : 'by some particular constellation'.

obscura est : sc. *tempestas*, 'the reason of the storm'.

C. XVIII. § 37. **ratio** : the reason why Murena *in praeturae petitione posterior renuntiatus est.*

in praetura : sc. *petenda;* 'when he was a candidate for the praetorship'.

vehementer ... desideratae sunt : 'were sadly missed'.

muneris : 'public shows'. Murena, not having been aedile, had not exhibited any public shows; while, in the case of his competitors, great expectations had been formed of what they were going to do, which their conduct and language tended to confirm. According to Halm, the meaning is that the people expected he would exhibit games as a private individual (*homo privatus*), and *studiis* is to be translated 'displays of party spirit', referring to the reports spread by Murena's competitors.

rumore nonnullo : 'general report', an example of Litotes.

ii : i.e. the soldiers who had not yet returned from Asia.

legatione : 'his capacity as *legatus*'.

omnis : i.e. which he displayed on every occasion : Genitive.

qui ad triumphum convenerat : Lucullus's triumph had been delayed, through the intrigues of his opponents, from his return from Asia (B.C. 66), until the consulship of Cicero (B.C. 63).

comitiis : 'at the elections'; so *gladiatoribus* (§ 67), *ludis, Liberalibus* (at the feast of Liber); Pub. Sch. L. Gr. § 154, F (1). The MSS. reading is *comes*.

L. Murenae : Dative. **praesto fuit** : 'supported'.

quod petitio praeturae ... 'which he, when a candidate for the praetorship ...'.

praetura : as *praetor urbanus* he had the management of the *ludi Apollinares*.

§ 38. **voluntas militum** : we should have expected *et ludorum magnificentia* to follow; but Cicero here enters with some detail into the first, and goes on to the second in chapter xix.

cum ... cum ... tum: Cum ... tum ... tum also occurs in Cicero.

apud suos gratia: 'by the influence they have with their friends'.

suffragatio militaris: 'the support of the soldiers'; much the same as *voluntas militum*, placed emphatically at the end of the sentence.

verborum interpretes: i.e. men whose talk turns mainly on the meaning of words, legal forms and phrases (cp. § 25), a hit at Sulpicius himself.

recreavit ... donavit: notice the Homoeoteleuton (like ending).

fortis ... felix: a favourite combination.

quanti putas esse? meaning that it is of the greatest use.

ad ...: 'for gaining reputation and the goodwill of men'.

religio: 'scrupulous regard'.

omen praerogativae: i.e. centuriae. The century to which the lot assigned the privilege of voting first was called *praerogativa;* its vote was considered of the greatest importance and practically decided the result; cp. Cic. pro Plancio, xx. 49, *una centuria praerogativa tantum habet auctoritatis, ut nemo unquam prior eam tulerit, quin renuntiatus sit aut iis ipsis comitiis consul aut certe in illum annum.* Its vote was regarded as a kind of divine intimation, hence the use of the word *omen.* The word *praerogativa* is used by itself in the sense of an omen or intimation of something to come, a choice, a precedent, and, in later writers, of a peculiar or exclusive privilege, our 'prerogative'. Others read here *praerogativum.*

felicitatis famam sermonemque: 'reputation and talk of his success'.

C. XIX. **ludorum**: the ludi Apollinares.

scaenae magnificentiam: see on § 40.

vulgus imperitorum = *vulgus imperitum.*

minus est mirandum: with reference to *si nosmet ipsi*, etc. (§ 39).

quamquam: 'and yet, however'; 'the statement of a fact opposite to or corrective of previous statements is often introduced by *quanquam, tamen, etsi, tametsi*': R. 871, 6.

huic causae: 'the present question'.

sunt ... populi: 'are in the hands of the people'.

§ 39. **tamen**: for the position of *tamen*, cp. § 34.

de: 'in the case of'; i.e. when the people act in such a manner.

§ 40. **L. Otho**: by the law of Lucius Roscius Otho, a tribune of the people, passed in B.C. 67, the first 14 rows (*gradus*) of seats next to the orchestra, the floor of the theatre, where the senators sat, were assigned to the knights. Juv. xiv. 325, *effice summam, bis septem ordinibus quam lex dignatur Othonis;* Liv. Epit. xcix. *L. Roscius trib. pl. legem tulit ut equitibus R. in theatro* xiiii. *gradus proximi adsignarentur;* Dio Cassius, xxxvi. 25, *τὰς τῶν ἱππέων τὰς ἐν θεάτροις ἕδρας ἀκριβῶς ἀπὸ τῶν ἄλλων ἀφώρισε.* The qualification for the equestrian order was 400,000 sesterces.

vir fortis: a general epithet, without special meaning, like our 'my honourable friend'.

restituit: from this word it would appear that the *equites* had in earlier times possessed some such privilege, but had been deprived of it by Sulla. By the *lex iudiciaria* of C. Gracchus the *iudices* were chosen from the *equites* instead of the senators; Sulla, by the *lex Cornelia*, transferred this honour to the senators again; this arrangement was again partially reversed by Cotta; cp. Velleius Paterculus, II. 32, 3, *per idem tempus Cotta iudicandi munus, quod C. Gracchus ereptum senatui ad equites, Sulla ab illis ad senatum transtulerant, aequaliter in utrumque ordinem partitus est: Otho Roscius lege sua equitibus in theatro loca restituit.*

gratissima: as a matter of fact the law was by no means so popular as this epithet would imply: it occasioned great tumults which were only appeased by the eloquence of Cicero, who delivered a speech in defence of it. It fell into abeyance in the time of Augustus, and was not revived until the reign of Domitian.

splendore: *splendidus* was a standing epithet of the *ordo equester.*

fructus iucunditatis: 'enjoyment of pleasure'.

mihi crede: '*crede mihi*, which is common in other writers, is said to be found only four times in Cicero and that in the letters'. Prof. Mayor on Phil. II. § 34.

qui dissimulant: 'who pretend that they do not'.

sensi: 'felt', as a serious obstacle in the way of my candidature.

scaenam competitricem: see the passage from Pliny quoted below. The *scaena* of Antonius was so splendid that Cicero regarded it in the light of a rival candidate.

trinos ludos: the *ludi Cereales, Florales and Romani*, during his aedileship (B.C. 69). *Ludi* being only used in the plural in the sense of 'public games' may be considered as a noun which has no singular: hence the use of the distributive. Observe that *trini* (not *terni*) is employed in such cases: cp. *bina castra, binae litterae.*

Antoni: C. Antonius, when praetor, gave some magnificent shows. He was a candidate with Cicero for the consulship.

casu: like Murena, he had neither been aedile, nor *praetor urbanus.*

argenteam scaenam: cp. Plin. nat. hist. XXXIII. 53, *Caesar, qui postea dictator fuit, primus in aedilitate munere patris funebri anni apparatu arenae argenteo usus est ... C. Antonius ludos scaena argentea fecit, item L. Murena. argenteam = ornatam instrumento argenteo* (Zumpt).

§ 41. **sed haec sane sint paria**: Concessive: 'However, granted that ...'.

fecisse = *edidisse.*

C. XX. **iuris dicundi**: i.e. as *praetor urbanus.* After the time of Sulla there were eight praetors: the *urbanus* and *peregrinus* possessed *iuris dictio* in civil cases; the others had charge of the *quaestiones perpetuae.*

magnitudo negotii: 'the importance of the duty'.

aequitatis largitio: 'a free application of equity', i.e. departing on occasion from the strict letter of the law.

adiungit: sc. *sibi* = *comparat*, 'wins'.

provincia: 'sphere of duty'.

aequabilitate decernendi: 'impartiality of his decisions'.

facilitatis: 'affability', 'courtesy'.

ad extremum: *not* to be translated 'at the end', i.e. of his magistracy; the meaning is that the games as it were crowned the edifice, were the finishing touch: 'is finally rounded off'. The *ludi Apollinares* had been celebrated when his term of office was *only about half over.*

§ 42. **tua sors**: to Sulpicius had fallen the *quaestio de peculatu*, one of the *quaestiones perpetuae*: see Introd. p. xv.

peculatus: any embezzlement of public money.

squaloris: Accused persons put on the worst clothes they could find (*vestem mutare*) in order to excite compassion: cp. § 86.

catenarum: 'prison'. Many substitutes (see Critical Appendix) have been proposed for this word, on the ground that imprisonment did not form part of the punishment of *peculatus:* but cp. Liv. XXXVIII. 60, 2, where (speaking of L. Scipio, who had been accused of this offence) it is said, *nihil habere quod faciat, nisi ut prendi damnatum et in vincula duci iubeat.* Gellius, VI. 19, *damnatum eum* (Scipionem) *peculatus ob Antiochinam pecuniam, quia praedes non daret, in carcerem duci coeptum atque ita intercedente Gracco exemptum.*

indicum: known and detested in the times of the empire as *delatores*, when their influence was much greater. They were ready to inform against any one, either truly or falsely, if they thought there was anything to be made out of it. Tacitus styles them *genus hominum publico exitio repertum:* cp. Iuv. I. 33 *sqq.*

scriba damnatus: nothing further is known of this case. The condemnation of this scribe appears to have brought upon Sulpicius the odium of the whole *ordo scribarum* and to have lost him their votes in his candidature for the consulship. There were three special classes of *scribae* (scriveners), *quaestorii, aedilicii, tribunicii.* They were employed in all branches of the public service and did considerable business for private persons, like the French notaries. They were *libertini*, not sons of freeborn Romans. Horace is said to have been a *scriba* in a quaestor's office; cp. Suet. vit. Horat., *scriptum quaestorium comparavit.*

Sullana gratificatio: the presents bestowed by Sulla upon his veterans.

lites: 'the fine, damages': in the cases of *peculatus* it was four times the amount in question.

cui placet: 'he who approves of it', i.e. the accuser: **cui dolet**: 'he who is annoyed', i.e. he who is condemned. When Intransitive verbs are thus used Impersonally, they are generally used in the Passive: cp. however, Plautus. Epidicus, I. 2, 44, *mihi dolet, quom ego vapulo;* de Orat. I. 230, *nihil cuiquam doluit.* The point is that no one was really the better off for it, since the money belonged to the state. For the general idea, cp. de. off. II. 22, 79, *cui res erepta est, est inimicus: cui data, etiam dissimulat se accepisse. at vero ille, qui accipit iniuriam, et meminit et prae se fert dolorem suum.*

provincia: here = the *government* of a province, i.e. Gallia transalpina.

gratias: for the plural cp. § 24.

proficiscens : 'on his journey'.

respublica : the condition of public affairs.

liberalitatis : either (1) mildness, or (2) indulgence in the matter of granting exemption from service, or (3) 'liberal grants' of money.

municipiis : a *municipium* was a town governed by its own magistrates, and possessed of the full rights of Roman citizenship.

conficiuntur : 'consist of'.

nostri homines : the *publicani* and wealthy men at Rome.

exigerent : 'collect, get in'.

Gallia : transalpina.

scilicet : 'naturally', with a certain amount of irony. Cicero says, I grant you that you stayed at Rome (in fact, you couldn't help it) and did your best for your friends, but you must remember that a good many of them would have preferred to see you in a province, where they might have had a chance of being appointed to some post.

C. XXI. § 43. **provincialium negotiorum** : 'official duties'; cp. *provincia* § 41.

Servius : added to avoid ambiguity.

amisso iam tempore : 'now that the opportunity is passed', the elections being over.

integra : 'undecided', i.e. before it was too late.

nescire : 'do not know how to'.

in iis rebus ipsis : complaints against corrupt practices at elections.

a spe adipiscendi : i.e. from the belief that the candidate still hopes to obtain the consulship.

ut ... videatur : dependent on *fit* above, *neque ... pluribus* being parenthetical. It has been proposed to read *saepe* for *semper*. Cic. says that directly a candidate begins to bring accusations against his opponent it looks as if he had lost hope of success.

quid ergo ? introduces a question which is immediately negatived ; cp. pro Caec. 20, 56, *quid ergo ? isti homines Latine non loquuntur ? immo vero tantum loquuntur ;* in Verr. IV. 102, *quid ergo ? hoc solum auditione petere coepit ? immo vero alia complura.*

non placet ... ? 'ought not one to'? Sulpicius is imagined as possibly urging in excuse for his conduct that he was influenced by a desire of retaliation.

persequendi: i.e. of prosecuting candidates who have been guilty of corrupt practices.

magnis copiis: crowds of friends and clients, and fellow-tribesmen.

forum: where the *prensatio* (§ 77) took place. **Campum** (Martium), the scene of the *petitio* proper.

deduci: 'escorted'; the word is used of attending upon any one as a mark of respect: here of escorting the candidate down to the Campus Martius.

inquisitio candidati: the genitive may be either subjective or objective: if the former, 'getting up evidence on the part of a candidate'; if the latter, 'getting up evidence against a candidate'.

repulsae: Hor. Od. III. 2, 17, *virtus, repulsae nescia sordidae, intaminatis fulget honoribus;* ib. epp. I. 1, 42, *quae maxima credis esse mala, exiguum censum, turpemque repulsam.*

declamatio: 'blustering' against rival candidates. Another reading is *denuntiatio.*

persalutatio: ἅπαξ λεγόμενον in Cicero = adsidua salutatio: 'going round from one person after another to solicit votes'.

omnium: sc. *candidatorum.*

animi et facultatis: 'confidence and chance of success'.

§ 45. **iacet**: 'he's down'.

abiecit hastas: 'he has given up the contest'; we should say 'thrown up the sponge'; cp. Gk. ῥίψασπις.

scis tu ? like our 'do you know, somebody told me', etc.; cp. Fr. *vous savez.*

alium faciam: 'I shall vote for some one else, go in for another candidate'; lit. by my vote I will do what I can to secure the election of some one else; cp. § 18, *sum ego factus prior* (I was declared elected first).

debilitantur: 'grow lukewarm'.

totam rem abiciunt: see Critical Appendix.

C. XXII. **non possit ponere**: i.e. if he spends all his time in trying to get up charges against his rival candidates.

te: 'for a man': indefinite.

e civitate exturbare: see Introd. p. xv.

etiam alienissimis : cp. § 3 ; **officia et studia** : cp. § 7.

§ 46. **in petendo ...** : 'that canvassing requires the most untiring energy'.

adornet atque instruat : 'prepare and organize'.

sustinere : 'support the burden of'.

cum te ... : 'after you had turned aside from the direct course of your candidature to attend to ...'. The metaphor is from a chariot race.

quis dies : the general rule is that *quis*, *quid* are substantival, *qui*, *quod* adjectival, but exceptions are found ; cp. Pub. Sch. L. Gr. § 68 (1).

ratione : 'aim', i.e. getting up materials against a rival candidate.

C. XXIII. **legem ambitus** : the *lex Tullia;* see Introd. p. xiv.

deerat ... erat : the Grammarian Aquila Romanus quotes this as an instance of *παρονομασία* (*adnominatio*) in which *non indecore prioris verbi postremitas similitudine posterioris excipitur.*

erat = ὑπῆρχεν : 'there already existed', not to be taken with *scripta.*

Calpurnia : see Introd. p. xiii.

gestus est mos ... : 'out of deference to your wishes and position it was granted' ; *morem gerere alicui* = to comply with any one's wishes, to humour him ; cp. Bacon, *Adv. of Learning, Bk. I.*, 'Not that I can tax or condemn the application or *morigeration* of learned men to men of fortune'.

tota illa lex, i.e. *Tullia.*

refragata est : Murena being innocent, your accusation injured nobody but yourself, since people attributed it to pure spite.

§ 47. **in plebem** : all plebeians in any way involved in the charge of *ambitus*, but see Introd. p. xv. The punishment was either a fine or, according to others, a temporary deprivation of the right of voting.

tua voce efflagitata est : 'was secured by your importunity'.

tenuiorum : the lower classes, who were indignant at being deprived of the chance of earning money so easily at elections.

in nostrum ordinem : i.e. senatorium.

concessit : intransitive ; cp. § 57.

communi: to which every senator would be liable.

morbi excusationi poena addita est: it was no unusual thing for persons accused of *ambitus* to put in a plea for their non-appearance to answer to the charge on the score of illness, until they entered upon office, when the law would be unable to touch them. The words *addita est* do not refer to any special *additional* punishment inflicted if such an excuse was alleged, but the meaning is that, if a man appeared before the court when unwell, he ran the risk of still further aggravating his illness, or, if he did not appear, of being condemned by default. Zumpt refers the words to *witnesses* or *jurymen*, who stayed away on the plea of illness with the object of assisting the accused by their absence.

vitae fructus relinquendi: referring to the punishment of exile.

is qui: i.e. Cicero himself. He endeavours to shift the blame of the measure upon Sulpicius.

cui minime proderant: as Cicero had attained the consulship, there was no need for him to trouble himself about strict measures against *ambitus* in view of his possible candidature. Schütz reads *qui minime probarat*.

confusionem suffragiorum: 'promiscuous voting'; voting, not by tribes or centuries, but by heads, i.e. individual citizens were to be called upon for their votes in no regular order, but at haphazard: and then 'by simply counting' it was to be ascertained which candidate was elected. The main object of this was to do away with all distinction in voting, so that no particular set of men or tribe or century should secure any special influence, while, according to the old system, the vote of the centuries of the first class was practically decisive. It was also supposed that this method would destroy bribery, for the votes of the several centuries would not appear, and, as the people voted by ballot, and the money was not generally paid till the election was over, no century could claim anything for its services. The proposal was disagreeable to the leading men of the Italian towns, for it was well known under the existing system how their votes would be given, and, if a consul who was elected had received the vote of any particular town, the chief persons thereby gained great importance and influence, whereas the proposed *confusio* merely confounded all the votes in one grand numerical result. Against this explanation it has been urged that this method of voting would have taken a long time, and that the same end would have been attained if the centuries did not vote in order of the classes, but according to an order deter-

mined by lot, the election being over as soon as a majority was recorded. This has been supposed to have been the plan of the younger Gracchus ; cp. Sallust (?) epistola ad Caesarem de rep. ordinanda: *ut ex confusis quinque classibus sorti centuriae vocarentur.* This is the interpretation given by Drümann, Geschichte Roms, v., p. 446, and Long, Decline of the Roman Republic, III., p. 274. According to Halm, this proposal did not refer to elections generally, but to subsequent elections held after any of the magistrates elect had been convicted of bribery. The proposition was rejected by the senate.

perrogationem legis Maniliae: a rhetorical expansion of *confusio suffragiorum.* C. Manilius, tribune of the people, had brought forward a law (B.C. 67) that the freedmen should not only vote in the four *tribus urbanae,* but in *all* the 35 tribes, each in that of his patron. Cicero says that the demand of Sulpicius for 'voting by heads' was merely an attempt to 'carry through' the *lex Manilia,* for by the *confusio suffragiorum* the freedmen were practically put on an equality with the rest of the citizens as far as voting was concerned. The objection to this is that *perrogare* always seems to mean 'to ask votes in order'. Zumpt reads *prorogationem,* i.e. an extension of the time of application of the Manilian law. He refers it to some other law (of which nothing further is known) which was originally passed only for a limited time.

homines honesti ... atque gratiosi: 'men of position and influence'.

editicios iudices: the *iudices* which the law allowed to be proposed (*edere*) by the accuser, as distinct from those chosen by lot, of whom each party was allowed to reject a certain number. Sulpicius proposed that the plaintiff should select 125 *iudices* out of the *album* (or list, made up by the praetors, or, according to Dion Cassius, by the quaestors) *iudicum* from the *equites* and *tribuni aerarii* (to the exclusion of the senators), of which number the defendant should be allowed to reject 75. By the *lex Licinia de sodaliciis* (eight years later) the accuser was allowed to select the jury from the people at large: he nominated four tribes, of which the accused had the right to challenge one.

odia occulta: since an accuser might select *iudices* who were personal enemies of the accused.

quae ... continentur: 'which are now kept in check, as long as the voice of discord is hushed'; or 'are confined by, limited to, silent disagreements'.

optimi cuiusque: i.e. any one of rank who might have incurred their hatred.

§ 48. **viam muniebant**: cp. § 23.

adipiscendi: sc. *consulatum.*

atque: taken up by *sed tamen, Servi* (c. xxiv.).

illa plaga: referring to *cum populum Romanum* ... below.

non tacente me: cp. § 43, *quae ipsi soli re integra saepe dixi.* Cicero says he had warned him about it before.

iniecta: *inflicta* is more common.

maxima; with *ex omnibus.*

ingeniosissimo et copiosissimo: 'a man of the greatest talent and eloquence'.

durior: 'more difficult'.

dignitate ... **diligentia** ... **facultate**: 'high position ... industry ... talent'.

de tota re: while Hortensius and Crassus had special parts of the defence intrusted to them, Cicero held a general brief for the defendant.

occurro vestrae satietati: referring to the remark *in eisdem rebus fere versor.* Cicero says he will do his best not to weary them, although he must necessarily go over a good deal of ground again. Others read *sapientiae*, i.e. I will do my best to assist the decision to which you, in your wisdom, may come.

C. XXIV. **sed tamen**: resuming the thread from *atque ex omnibus* above.

securim: 'death-blow', almost = *plagam* above; cp. pro Plancio, § 70, *quam illi iudices graviorem potuerunt rei publicae infligere securim quam cum illum e civitate eiecerunt.* The retirement of Sulpicius would inspire Catiline and his party with hope, and drive many to support Murena, for fear of Catiline being successful.

§ 49. **inquirere**: cp. § 44.

observationes: 'keeping an eye' on his fellow-candidates, to see that they did nothing illegal.

testificationes: taking the depositions of different witnesses, with a view to making use of them afterwards.

seductiones: 'taking aside', i.e. to speak confidentially to them.

secessiones subscriptorum: 'your secret conferences with your juniors'; for *subscriptores* see Introd. p. ix.

quibus rebus ... solet: Cicero humorously says that the impression of despair conveyed by preparations for accusing a fellow-competitor is so obvious that the white robes of the candidates seem to assume a darker hue. *creta:* chalk or a similar kind of earth was used for whitening garments; cp. Persius, v. 177, *quem ducit hiantem cretata ambitio* (white-robed candidature). See Critical Appendix.

cum spe militum: see Critical Appendix.

vallatum indicibus atque sicariis: cp. pro Sestio, § 95, *stipatus semper sicariis, saeptus armatis, munitus indicibus.* For *indices*, cp. § 42.

collegae mei: C. Antonius Hybrida.

circumfluentem: 'abundantly supplied with, with an ample force of'.

colonorum: the veterans established by Sulla in Arretium and Faesulae, who, impoverished by their luxurious living, were glad to attach themselves to Catiline; cp. Sallust. Cat. 28, *nonnullos ex Sullanis colonis quibus libido atque luxuria ex magnis rapinis nihil reliqui fecerat:* and Cic. Cat. II. 9.

exercitus: 'bands', not necessarily a regularly organized army.

dissimillimo ex genere: attribute to **turbam**; others take the words with *homines.*

distinguebant: 'brought into relief'.

perculsi ... calamitate: the reference is to the supporters of Marius, who had lost their property by the proscription of Sulla: common misfortune made them unite with the veterans of Sulla in support of Catiline.

exploratus: 'certain'.

domi conditus: 'stored up, locked up at home'; i.e. a secure possession, ready for him whenever he wanted it.

numerabat: 'reckoned ... as': **ei**: see Critical Appendix.

C. XXV. § 50. **factus esset**: sc. consul.

nolite ... velle = *ne volueritis:* cp. the similar periphrases, *parce, mitte, fuge*, followed by Infinitive.

meministis enim: taken up by *meministis fieri* (§ 51).

gladiatoris: 'bully, desperado'.

percrebruissent: this, and not *percrebuissent*, is the correct form, according to Halm.

in contione domestica: 'at the private meeting', at which Catiline expounded his political views: see Introd. § 5.

integrorum: contrasted with *saucios.*

consumpta replere, erepta recuperare: referring to the veterans of Sulla (see *colonorum*, § 49), and the adherents of Marius, who had lost their property by proscription.

§ 51. **tum igitur ... meministis**: resumptive: see § 50: 'you remember, I say ...'.

fieri senatus consultum: see Introd. § 5.

ut ... possemus: an election and a meeting of the senate could not take place on the same day.

Catilinam excitavi: 'I called upon Catiline to rise'.

ut semper fuit apertissimus: 'in accordance with his usual shameless impudence'.

indicavit atque induit: 'openly confessed and threw himself into the snare' in spite of the risk he saw he was running, *Indicare* denotes voluntary confession: cp. Donatus on Terence. Adelphi, prol. 4: **indicat** *is qui de se volens aliquid, et de aliis etiam prodit: sed* **confitetur**, *qui de se tantum, et qui invitus. Induit* is a metaphor from hunting: cp. in Verr. II. 102, *hic videte in quot se laqueos induerit;* ib. 106, *videte, ut, dum expedire sese volt, inducat.*

neque satis severe ... decrevit: what decree was passed is not known. The *ultimum* or *extremum senatus consultum*, conferring absolute power on the consuls (*ut consules darent operam, ne quid respublica detrimenti caperet*) was not promulgated till later.

non oportuerat: the Pluperfect in such constructions as this denotes that something ought to have been done in past time which was not: R. § 643, 2.

in eodem ordine: i.e. the senate.

in suas fortunas: in reference to his candidature.

ruina: Catiline threatened to wreck the whole constitution if obstacles were thrown in his way. The idea is that of pulling down buildings entirely in order to arrest the spread of a fire.

C. XXVI. § 52. **cum gladiis**: 'armed with swords': cp. pro Mil. 4. 11, *cum telo esse:* Plaut. Capt. 203, *cum catenis esse:* in Caec. 9, 25, *ut in Caecinam advenientem cum ferro invaderet.* Dr. Kennedy says that this use of the preposition expresses 'coincident circumstances'.

lata: see Critical Appendix. The coat of mail he wore was unusually large in order to attract public attention.

insigni: 'conspicuous, prominent': cp. in Cat. I. 5.

caput et collum: referring to his bloodthirsty conduct during the Sullan proscriptions.

id quod est factum: referring to the words that follow.

§ 53. **magna est**: 'has great influence': *magna* is Predicate.

voluntatum: for the Plural cp. § 1.

incubuit: 'inclines towards, supports'.

in iure: 'in his administration of justice (*in iure dicundo*, § 41).

in munere: the *ludi Apollinares* (§ 38).

in provincia: *Gallia transalpina* (§ 42). The phrase *ornare provinciam* (*ornata* of course does not here agree with *provincia*) is thus explained by Facciolati: **ornare provinciam** *est, ex senatus consulto decernere certum militum numerum et iis stipendium, item viaticum* (travelling expenses) *in legatos et comitatum, terminare ipsius provinciae fines, iurisdictionis formam modumque praescribere, et huiusmodi alia, quae honori et ornatui erant tum provinciae ipsi, tum magistratui eam regenti.*

minanti: i.e. *Sulpicio.*

Catilinae spe consulatus adipiscendi: Double Genitive.

§ 54. **tertius ille locus**: the third part of the **confutatio** (§ 54–§ 83) commences here: **locus**: 'division'.

ab his: Hortensius and Crassus: see Introd. §§ 8, 12.

a me: after the Gerundive *retractandus* the Dative *mihi* would be more usual.

C. Postumo: nothing further is known of him, and even his *praenomen* is disputed.

divisorum indiciis: the Genitive may be either subjective or objective: 'declarations made by', or 'concerning the bribery-agents' supposed to have been employed by Murena.

de equitum centuriis: it was of the greatest importance to secure the votes of the eighteen centuries of the *equites.* L. Natta, Murena's stepson, is said to have stood them a breakfast with this object. Something similar is not unknown even at the present time.

de republica: 'concerning the general condition of public affairs'.

C. XXVII. § 55. **cum ... iudicarem ... tum ... ita sum animo adfectus**: cp. § 56: this 'concessive' use of *cum* is 'specially frequent, when *tum* follows': Pub. Sch. L. Gr. § 211.

ex ...: 'in the light of ...'.

non queam: Cicero in the first person always uses *non queo*, not *nequeo*.

omnium nostrum: all of us who are connected with the management of state affairs.

eventum: 'result, issue' of his political career.

summum gradum dignitatis: none of his family had yet been consul: see Critical Appendix.

relicta: *familia praetoria* and *locus senatorius*.

ab ipso parta: his renown in war.

studium novae laudis: 'eager pursuit of a new source of honour': i.e. the consulship.

discrimen: if condemned, he would lose his rank as a senator.

§ 56. **odio inimicitiarum**: 'hatred arising from personal animosity', which was considered to justify an accusation.

descenderint: 'have lowered themselves to'.

iniuria Murenae: 'wrong done to him by Murena'.

honoris contentione: 'struggle for office'.

vicinus: in Lanuvium.

paternus amicus: whose father and Murena's had been friends.

Ser. Sulpicius: the younger Sulpicius (see Introd. p. x.). His father and Murena had belonged to the same *sodalitas* (political club or society), the members of which were not allowed to appear against one another in the courts. This relation passed on from father to son, consequently it is all the more reprehensible in the younger Sulpicius to be accusing Murena.

munitiores: i.e. he ought rather to defend than attack them.

§ 57. **Postumo primum**: note the play on words.

desultorius = *desultor*: the riders in the circus, who rode two horses joined together, leaping quickly from one to the other, were called *desultores*, and the horses *desultorii*; cp. Hom. Il. xv. 683, ὁ δ' ἔμπεδον ἀσφαλὲς αἰεὶ θρώσκων ἄλλοτ' ἐπ' ἄλλον ἀμείβεται, οἱ δὲ (the horses) πέτονται. Cicero says that

it is a piece of impertinence on the part of Postumus, who was a candidate for the praetorship, suddenly to abandon his own canvass, and to proceed to meddle with affairs that concerned only candidates for the consulship, an office as much above the praetorship as the *quadrigarius* was above the *desultorius.*

nihil deliquerunt: 'have committed no offence against the law'.

concessit: i.e. he has thereby admitted that they were better men than he.

expetendus ... persequatur: after *sin ... est*, we should have expected something like, 'he ought to have brought an accusation against him', but the sentence is turned ironically: What an excellent friend he must be, a friend whom everybody will be eager to get hold of, since he avenges the wrongs done to another before thinking of his own!

alienam: i.e. the wrong done to Sulpicius by the bribery with which Murena was charged.

suam: referring to *sin ... largitus est.*

de Postumi: these were dealt with when the speech was delivered, but omitted in the revised published copy; cp. Plin. Ep. I. 20, 7, *testes sunt multae multorum orationes et Ciceronis* **pro Murena**, *pro Vareno, in quibus brevis et nuda quasi subscriptio quorundam criminum* **solis titulis** *indicatur: ex his apparet illum permulta dixisse, cum ederet, amisisse.*

C. XXVIII. § 58. **firmamentum ac robur**: 'strength and support'.

quod est ... for the attraction cp. *Pompeio patre, quod imperio populi Romani lumen fuit, exstincto* (Philip. V. 14): see Prof. Mayor's note on Phil. II. § 54.

ita: not to be taken with *gravis*, in the sense of 'so weighty that ...' but = 'although', i.e. the sentence is concessive, and *ut* (with *tamen* thrown into the second clause) = 'yet', 'notwithstanding'. The sense is: I am more afraid of his personal influence than of the weight of the charges he may bring against Murena, in spite of his undoubted powers as a prosecuting counsel.

expectatio tribunatus: Cato was at this time tribune elect for the year B.C. 62.

bona: 'good qualities'.

bis consul: B.C. 147 and B.C. 134. When elected consul the first time he had not reached the age prescribed by law and had held no curule office.

accusavit L. (Aurelium) Cottam: between the year B.C. 132, in which he triumphed over the Numantines, and B.C. 129, the year of his death. This Cotta was consul B.C. 144: he is said to have been accused *de repetundis:* he was defended by Q. Metellus Macedonicus, and, after his trial had been seven times adjourned, was acquitted, owing to the jury having been bribed.

fides: 'honesty, uprightness'.

tenebatur: 'was supported, maintained' = *sustinebatur;* cp. de nat. deor. II. 31, *homines bestiaeque calore tenentur:* so below, § 83.

cadere in iudicio = *causa cadere* (§ 9).

abiectus: 'crushed'; cp. in Cat. II. 2, *se perculsum atque abiectum esse sentit.*

§ 59. **Ser. (Sulpicium) Galbam**: when praetor (B.C. 151) he treacherously massacred 30,000 Lusitanians, and was chiefly responsible for the war with Viriathus. On his return to Rome (B.C. 149) he was accused before the people by the tribune C. Scribonius Libo, but was acquitted, owing to the cleverness with which he worked upon the feelings of the people. Libo was assisted by the aged Marcus Porcius Cato Censorius, who died shortly afterwards: he wrote his speech and inserted it in his Origines (or Annales): hence the phrase *nam traditum memoriae est.* Cic. Brut. § 59, *M. Cato legem suadens in Galbam multa dixit, quam orationem in Origines suas rettulit ... tum igitur nihil recusans Galba pro sese et populi Romani fidem implorans, cum suos pueros tum C. Galli etiam filium flens commendabat, cuius orbitas et fletus mire miserabilis fuit propter recentem memoriam clarissimi patris: isque se tum eripuit flamma, propter pueros misericordia populi commota, sicut idem scriptum reliquit Cato.* This Galba was an ancestor of the Emperor Galba.

incumbenti ad ...: 'while doing his utmost to ...'; cp. in Cat. IV. 4, *quare incumbite ad salutem reipublicae.*

nolo ... adferat ... non: cp. pro Rosc. Am. § 71, **noluerunt** *feris corpus obicere ...* **non** *sic nudos in flumen deicere.*

vim maiorem: 'greater influence than usual'.

impotentium = *infirmorum.* According to Madvig, the only other passage in Cicero where the word has this meaning is de fin. I. 16, 52.

§ 60. **legem**: 'principle'.

periculis hominum: i.e. men against whom charges involving serious consequences have been brought.

C. XXIX. **conformare**: 'to put into shape': Ernesti says **conformatio** *dicitur, cum res informis fit elegans et formata.*

non multa ...: the quotation is supposed to be from the tragedy of the Myrmidones by L. Attius. There is an allusion to the Stoic terminology: *peccatum* = ἁμάρτημα: *rectum* (*regere*) = κατόρθωμα.

fortissimo viro: the Dative after *inquit* is rare. The *fortissimus vir* is Achilles, the *senior magister* Phoenix or Chiron.

verissime dixerim: 'I think I can most truly say': this use of the Subjunctive, to express modest, cautious, or hesitating assertions, is called Potential: the Present or Perfect is used in reference to Present time: the Imperfect, in reference to Past time. Thus, *quaerat quispiam*, 'some one may ask': *velim*, 'I should like': *crediderim*, 'I should be inclined to believe': *vellem*, 'I could have wished': *crederes*, 'you would have thought'.

corrigendus ... inflectendus: *corrigere* is the stronger word, meaning to straighten what is quite crooked, while *inflectere* is to bend back what is only slightly out of shape.

istuc: 'to your natural qualities.' The MSS. have *his tot.* Earlier editions gave *his dotibus, his virtutibus*, or simply *his.*

doctrina: i.e. the teaching of the Stoic school.

veritas: 'the realities' of practical life.

natura: 'the feelings of nature'.

§ 61. **non ... in imperita multitudine**: here Cicero is merely flattering the jury: he expresses his genuine opinion de fin. IV. 74, *non ego tecum* (Cato) *iam ita iocabor, ut iisdem de rebus, cum L. Murenam defenderem.* **Apud imperitos tum illa dicta sunt**: *aliquid etiam coronae datum: nunc agendum est subtilius.*

de studiis humanitatis: 'intellectual pursuits'. **Humanitas** = what we call a 'liberal education', as being supposed to exercise a humanizing influence on the mind: cp. pro Archia poeta, § 2, *artes, quae ad humanitatem pertinent.*

requirimus: the proper meaning of *requirere* (like *desiderare*) is 'to miss or feel the want of something, to look for something we cannot find'. Cicero says there are certain good qualities we miss in Cato: the absence of these implies the presence of corresponding defects: these defects (*ea*) are not, however, natural, but are to be attributed to the influence of the teacher whose tenets he adopted. Editors say *requirimus* = *reprehendimus.*

Zeno: of Citium in Cyprus, the founder of the Stoic school (*inventor et princeps Stoicorum*, Cic. Acad. II. 42, 131) so called from the ποικίλη στοὰ or painted colonnade at Athens, in which he taught in the middle of the 4th century B.C. He is not to be confounded with Zeno of Elea (a Phocaean colony on the West coast of Southern Italy) who belonged to the Eleatic school founded by Xenophanes about the middle of the 6th century B.C.

inventorum: 'dogmas', 'tenets'.

aemuli: 'followers' = ζηλωτάς: cp. Tac. Ann. VI. 22, *sapientissimos veterum, quique sectam eorum aemulantur:* Liv. I. 18, *iuvenum aemulantium studia coetus habuisse constat.*

sententiae: 'aphorisms'; the so-called 'paradoxes' (τὰ παράδοξα καλούμενα δόγματα); Cicero himself wrote a treatise upon them, entitled *Paradoxa Stoicorum.* Cp. de fin. IV. 74, *haec* παράδοξα *illi, nos admirabilia dicamus.*

sapientem placari: these four *sententiae* are an amplification of *sapientem inexorabilem esse:* cp. Diog. Laertius VII. 133, ἐλεήμονάς τε μὴ εἶναι συγγνώμην τε ἔχειν μηδενί.

gratia numquam moveri: as being indifferent to external considerations.

nunquam delicto ignoscere: all faults being alike deviations from right reason.

stultum: contrasted with *sapientem,* the model of the perfect man.

levem: 'fickle, inconsistent'.

viri: 'a *man*'*;* **exorari**: 'to be open to entreaty'.

solas ... dicunt: these *sententiae* amplify the doctrine that all human greatness and perfection are united in the person of the ideal 'wise man'. Cp. Horace, Epp. I. 1, 106, *ad summam sapiens uno minor est Iove, dives, liber, honoratus, pulcher, rex denique regum, praecipue sanus, nisi cum pituita molesta est;* ib. Sat. I. 3, 124, *si dives qui sapiens est ... et solus formosus et est rex.* Diog. L. VIII. 121, οὐ μόνον δὲ ἐλευθέρους εἶναι τοὺς σοφούς, ἀλλὰ καὶ βασιλέας ... ὁμοίως δὲ καὶ ἀρχικοὺς δικαστικούς τε καὶ ῥητορικοὺς εἶναι.

si servitutem serviant: = δουλείαν δουλεύειν: 'to be in a state of slavery': an archaic legal expression, like *noxam nocere:* cp. Quint. VII. 3, 26, *qui in servitute est eo iure quo servus, aut, ut antiqui dixerunt, qui servitutem servit.* Otherwise, in Classical Latin, in expressions like this (the so-called *figura etymologica*) the substantive usually has an epithet, except the noun is used in a special sense (as here), or is

merely added to strengthen the idea of the simple verb: see Prof. Mayor on Phil. II. § 42. The usage is especially common in Plautus.

nos ... dicunt: cp. de orat. III. 65, *omnes qui sapientes non sint, servos, latrones, hostes, insanos esse dicunt*, de fin. IV. 74, *stultos omnia contraria, quos etiam insanos esse vultis.*

omnia peccata esse paria: cp. Diog. L. VII. 120, *ἀρέσκει δὲ αὐτοῖς ἴσα ἡγεῖσθαι τὰ ἁμαρτήματα.* According to the Stoics, all vices were alike equal, as being deviations from nature: a sin was a sin, and there were no degrees of vice: cp. Hor. Sat. I. 3, 96, *quis* (Dative) *paria esse fere placuit peccata, laborant, cum ventum ad verum est: sensus moresque repugnant, atque ipsa utilitas;* de fin. IV. 19, *sensus enim cuiusque, et natura rerum, atque ipsa veritas* (cp. § 60 above) *clamat quodammodo, non posse adduci, ut inter eas res, quas Zeno exaequaret, nihil interesset.*

gallum gallinaceum: the Stoics, like the Pythagoreans, inculcated kindness towards animals.

nihil opinari: Diog. Laert. VII. 121, *ἔτι δὲ μὴ δοξάσειν τὸν σοφόν, τούτεστι ψευδεῖ μὴ συγκατατίθεσθαι μηδενί.* The wise man never 'opines', i.e. never assents to anything unless he is fully convinced of it, and consequently, when his mind is once made up, never changes it.

C. XXX. § 62. **auctoribus eruditissimis inductus** = *auctoritate eruditissimorum:* 'misled by the authority of most learned men'; cp. pro Rosc. Am. § 117, *induxit, decepit, destituit.* The omission of *ab* is to be explained by the concrete being put for the abstract, *auctoribus* for *auctoritate;* cp. pro Mil. § 47, *iacent suis testibus:* 'are overthrown *by the evidence of* their own witnesses; Iuv. Sat. I. 13, *adsiduo ruptae lectore columnae = adsiduitate lectoris.*

adripuit: 'eagerly caught up', without due consideration.

ita vivendi: 'of living in accordance with them'; cp. Tusc. disp. II. 11, *qui disciplinam suam non ostentationem scientiae sed legem vitae putant.*

petunt aliquid publicani = *si petunt a. p.:* cp. Iuv. Sat. IV. 94, *rides, maiore cachinno concutitur.* The apodosis is: then Cato, as a Stoic, will reply, *cave ...*, and so in what follows. Cato was noted for his antipathy towards the *publicani* or 'farmers of taxes', who belonged to the equestrian order. For various reasons they often found themselves obliged to ask the senate for some abatement in the terms of their contract, and Cato's influence was instrumental in bringing about a refusal of their request; cp. de Off. IV. 22, *ego*

etiam cum Catone meo saepe dissensi. nimis mihi praefractum aerarium vectigaliaque defendere, **omnia publicanis negare,** *multa sociis.*

cave ... gratia : i.e. the wise man must not allow himself to be influenced by any personal considerations of friendship.

supplices : predicate : *aliqui* with *miseri.*

fueris ... si feceris : 'you will prove yourself ... if you do'. 'When two Future actions are brought into connection, and both actions will be complete together, both verbs are in the Future Perfect : ad Fam. x. 19, *qui Antonium oppresserit, is bellum confecerit'* ; Pub. Sch. L. Gr. § 229, 3. Halm says *fueris* is Potential = *sis.*

at leve delictum est : 'well but, you may say, it is only a slight failing'.

dixisti ... flagitium : 'You made some remark', says some one to the Stoic. 'It is fixed and settled', says he. 'You were influenced not by the facts, but by mere opinion'. 'The wise man never opines'. 'You made a slight mistake'. [Then, instead of giving the Stoic's answer in his own words, Cicero puts it as a remark of his own.] He thinks he is being insulted. Here we have the following results of this system of philosophy. 'I declared in the senate', says Cato, 'that I would impeach some candidate for the consulship'. 'Yes, but you said it in anger'. 'The wise man is never angry', replies Cato. 'Well, then, you said it to suit the moment'. 'It is the behaviour of a wicked man to deceive by a lie : to change one's opinion, is disgraceful : to allow oneself to be talked over, is a sin : to show pity, a crime'.

quippiam : 'some casual remark'; somewhat less emphatic than *aliquid.* The MSS. reading is *dixisti : quippe iam fixum.*

fixum et statutum est : i.e. when said, it is settled once and for all : it cannot be altered or improved upon.

maledici putat : he considers it an insult, because the wise man can never be wrong.

nobis : Ethic Dative, cp. § 13.

dixi in senatu : Cato, having once declared that he intended to impeach some candidate for the consulship, considered it would have been unworthy of him as a Stoic to abandon his design, and accordingly Murena was made the scapegoat, because Cato felt bound to accuse *some one.*

nomen ... delaturum : *nomen deferre* = to lay the name of an accused person before the praetor.

at temporis causa: Halm explains these words differently, supplying *ne nomen consularis candidati detuleris*, i.e. consider present circumstances, and do not do so now.

scelus ... flagitium: the first implies a greater degree of *moral* guilt than the latter.

§ 63. **adiumenta doctrinae**: 'assistance from education', 'the assistance that education gives'.

illi a Platone et Aristotele: i.e. the Academic and Peripatetic schools respectively; for the expression cp. *οἱ ἀπὸ Πλάτωνος, οἱ ἀπὸ τῆς Ἀκαδημίας*; de fin. IV. 7, *Zeno et ab eo qui sunt.*

viri boni esse: 'that it *is* the part of a good man'.

et dispares poenas: 'and consequently degrees of punishment'.

locum: 'room for'; cp. Terence, heaut. II. 1, 6, *et cognoscendi et ignoscendi dabitur peccati locus.* The meaning is that a man may be merciful without being weak.

quod nesciat: 'of which he has no certain knowledge'.

mediocritate = μετριότης, μεσότης: the 'mean' between two extremes; *quadam* is added to show that the word is used in a new sense as a translation of the Greek word; cp. de off. I. 89, *mediocritatem ... quae est inter nimium et parum:* Hor. Od. II. 10, 5, *auream ... mediocritatem:* ib. Sat. I. 1, 106, *est modus in rebus, sunt certi denique fines, quos ultra citraque nequit consistere rectum.*

moderatas: see Critical Appendix.

C. XXXI. § 64. **detulisset**: *deferre* implies something accidental or unintentional; cp. de off. I. 147, *maior enim pars eo fere deferri solet quo a natura ipsa deducitur.*

non tu quidem ... sed: 'the Adverb *quidem* is elegantly joined to Personal and Demonstrative Pronouns, when a concession is made but immediately qualified by an adversative clause (here introduced by *sed*) answering to the English 'certainly ... but ...', Pub. Sch. L. Gr. § 65, 6, note 2.

pudentissimum: 'most honourable'.

te: in your capacity as tribune of the people.

si posuisses = si dixisses. *Posuisses*, according to Halm, is used to avoid the unpleasant repetition of dixisses: but see Critical Appendix.

§ 65. **elatum**: 'carried away'. **flagrantem**: 'fired'.

iam: 'soon'. **usus**: 'experience'. **dies**: 'the course of time'.

etenim: 'for these very teachers of yours themselves seem to me to have extended the boundaries of moral duties rather beyond what nature intended, in order that, having striven in thought to reach the farthest limit, we might nevertheless stop where we ought to do so'. The meaning is: The Stoics, by reason of the weakness of human nature, have done well to ask from men more than they can perform in order that they may be urged to greater efforts; they ask more than is necessary, in order that men may do what *is* necessary (*ut ... ubi oporteret, consisteremus*). Cicero then proceeds to give instances where the rigidity of the Stoic doctrines admit of modification.

fines ... protulisse: cp. the phrase *fines imperii proferre* (to enlarge the boundaries of the empire).

nihil ignoveris: 'excuse nothing'; 'the 2nd Person of the Perfect Conjunctive is sometimes Permissive; cp. ad Att. VII. 8, *nihil incommodo valetudinis feceris* (do nothing to the detriment of your health); this idiom corresponds to the use of Fut. Ind. for Imperative', Pub. Sch. L. Gr. § 94, E, 1. d.

immo aliquid: 'nay rather, something, but not everything'.

resistito ... permaneto: the Imperative Future is 'especially used in legal formularies', and their employment here serves to add pomposity to the style, 'thou shalt resist ... thou shalt abide by'.

immo resistito: i.e. not so; resist it only when duty and honour demand it, but make some concession to it in other cases.

etiam ...: 'I quite agree, when it would involve an undue relaxation of severity; but, nevertheless, on occasion, mercy *is* praiseworthy'.

vero: 'by all means'; stronger than *etiam*.

§ 66. **Scipio**: Scipio Africanus Minor (B.C. 185-129). He was a man of great literary taste, and one of the interlocutors in the *de senectute* together with C. Laelius.

non paenitebat = *delectabatur*.

idem, quod tu: Cato took Athenodorus Cordylion from Pergamum, and Antipater of Tyre to live with him. Both were Stoics of some reputation.

Panaetium: Panaetius of Rhodes was a most prominent Stoic; he was on intimate terms with both Scipio and Laelius; cp. Velleius Paterculus, I. 13, *Scipio tam elegans liberalium studiorum omnisque doctrinae et auctor et admirator fuit, ut Polybium Panaetiumque ... secum habuerit.* Cicero adopted his treatise περὶ τοῦ καθήκοντος as the foundation of his *de officiis.*

oratione: 'conversation'.

eadem ista, i.e. the doctrines of the Stoic school.

ut accepi: 'as I have heard', i.e. with my own ears. Cicero was born 23 years after the death of Scipio, and might easily have known people who were acquainted with him. The ordinary meaning of *accipere* in Cicero is 'to learn by tradition'.

lenissimus: i.e. *factus erat:* the well-known mildness of Panaetius toned down the natural harshness of Scipio. Others supply *fuit* or *erat*, giving the explanation that, although Scipio was a follower of the Stoic school, he preserved his natural mildness.

C. Laelio: surnamed Sapiens, consul B.C. 140. He was on most intimate terms with Scipio, and associated with him throughout his public career. He derived his cognomen from his thorough acquaintance with jurisprudence.

iucundior: 'more amiable'.

eodem ex studio isto: 'although he belonged to the same school as yourself'.

L. Philo: L. Furius Philus, consul B.C. 136. He is mentioned elsewhere together with Scipio and Laelius; cp. de orat. II. 37, 154, *non tulit haec civitas aut gloria clariores aut auctoritate graviores aut humanitate politiores P. Africano, C. Laelio, L. Furio qui secum eruditissimos homines ex Graecia palam semper habuerunt;* Brut. 108, *iisdem temporibus L. Furius Philus perbene Latine loqui putabatur litteratiusque quam ceteri.*

C. Galo: C. Sulpicius Galus (not Gallus, according to Mommsen), consul B.C. 166. He was an accomplished orator and literary man, and also skilled in astronomy and astrology. He foretold an eclipse of the moon during the war against Perse(u)s (king of Macedonia) on the night before the battle of Pydna.

deducam: 'bring you down, direct you': i.e. to come to members of your own family.

domesticum ... exemplum: exactly = οἰκεῖον παράδειγμα, 'a home example': cp. Isocr. Evag. § 77, ἐγὼ δὲ σὲ καὶ τοὺς σοὺς οὐκ ἀλλοτρίοις παραδείγμασι χρώμενος ἀλλ' οἰκείοις παρακαλῶ.

Catone: the Censor.

commodiorem: 'more affable'.

communiorem: 'more sociable'; others read *comiorem*.

ad omnem rationem humanitatis: 'in every relation of society'.

illud quidem ... sed tamen: see note on § 64.

naturae similitudo illius: 'a character similar to his'.

comitatem et facilitatem: 'courtesy and affability'.

adperseris: 'throw in a sprinkling of': like *condita* 'seasoned', a metaphor from terms used in cookery.

ista: 'these qualities of yours'.

C. XXXII. § 67. **mihi**: Ethic Dative.

nomen Catonis: see on § 13.

congredere ...: 'meet me on the charges alone'.

quid accusas? 'of what do you accuse him?' The full construction is the double Accusative, as *ipsum vero quid accusas?* (Cic.).

non defendo: 'I offer no defence', i.e. if you can prove him guilty of the charge.

quod lege punierim: Zumpt reads *qui.*

ambitum ipsum: 'a clear case of bribery'.

senatus consultum: preceding the lex Tullia, for which see Introd. § 9.

mercede: Ablative of Price. Zumpt gives *conducti* before *obviam* as well as *sectarentur.* Some MSS. have *corrupti.*

sectatores: see esp. § 71.

gladiatoribus: Ablative of Time: 'at the gladiatorial shows': cp. *comitiis* (§ 37).

tributim: it was forbidden to give free seats to *all* the members of a tribe, who might thereby be won over in a body to the side of a particular candidate. Zumpt reads *tributus.*

vulgo: 'to the people *en masse*'.

legem Calpurniam: see Introd. § 9.

ergo, ita ... gerit: Cicero says the decree was unnecessary, but was due to the earnest entreaties of the candidates themselves, who asked that more stringent measures against *ambitus* might be adopted; cp. § 68, *omnibus postulantibus candidatis.* Zumpt, who reads *nisi iudicat*, explains as follows: *senatus aut decernit quod nihil opus est, candidatis morem gerens inania verba fundit, aut hoc iudicat, contra legem haec videri, si facta sint;* i.e. either the decree is useless, and is merely a concession to the candidates, or it declares that such practices are against the law.

§ 68. **est ridiculum**: addressed to Cato; according to others, meant for the senate.

quod est dubium: i.e. whether illegal practices have been committed: **quod nemini ...**: i.e. that, if committed, they are illegal.

indicare = *proferre*, 'to bring forward'.

atque: 'and besides'.

doce ... tum concedam: 'prove to me that ... and I will allow': the Imperative takes the place of the Protasis of a Conditional Sentence = *si docueris;* cp. § 70, *doce mercede; concedam esse crimen.*

C. XXXIII. Cato is here supposed to bring forward facts to prove that Murena has been guilty of corrupt practices.

decedenti: the term *decedere* is specially used of quitting a province on retirement from office.

istam rationem: 'an explanation of that' = *istius rei rationem:* cp. Liv. v. 21, 15, *eam invidiam*, 'the (divine) jealousy excited thereby': ib. 22, 1, *ea pecunia*, 'the money realized thereby'.

quid habet admirationis? 'what is there to be surprised at in ...'? Another way of putting the apodosis *nihil habeat admirationis.* This circumlocution with *habere* is used to supply the Passive of Deponents; cp. Phil. I. § 7, *reversio, quae plus admirationis habet.*

quod ... non abhorret: these words do not refer to *illud*, but to the acc. and inf. clause following.

filios: when a young man laid aside the *toga praetexta* for the *toga virilis*, he was escorted by his father or intimate relations to the Forum. The day was called *dies togae virilis* or *dies tirocinii* (day of his novitiate).

de nocte: see on § 22.

campum Martium: where it was the custom to greet officials on their return from their province.

societates : i.e. *publicanorum*, consisting of *equites* who formed companies to provide funds for paying the price demanded for the right to farm the state revenues. By the lex Aurelia the *iudices* were selected from the senators, equites, and tribuni aerarii ; see Introd. p. xvii.

nostri ordinis : i.e. *senatorii.*

illa ... officiosissima natio : 'that most officious, fussy crew'. *Natio* is contemptuous : cp. Phaedrus, 2, 1, *est ardelionum* (busybodies) *quaedam Romae natio ;* in Pis. § 55, *officiosissima natio candidatorum.* They would all come out to meet him to try and secure so valuable a vote.

non honeste : 'without showing him tokens of respect'.

bene : this strengthening use of *bene* belongs to colloquial language.

Luculli : cp. § 37.

hoc dico : 'I merely say this' = *hoc tantum.*

frequentiam ... defuisse : 'that a crowd of friends has never failed to assemble from purely disinterested motives to pay such a compliment to the merit or even to the wishes of an individual'.

§ 70. **sectabantur** : 'attended, followed him about everywhere in public'.

hoc ... remoto : 'apart from this'.

C. XXXIV. **tenues** : cp. § 47.

unum ... locum : 'only this one opportunity'.

referendi beneficii : the more usual phrases are *referre gratiam, reddere beneficium.*

operam atque adsectationem : 'laborious, assiduous attendance'. Q. Cicero, in his treatise *de petitione consulatus*, says that there are three kinds of *adsectatio: una salutatorum, cum domum veniunt, altera deductorum, altera adsectatorum* (the last referring especially to attendance in the Forum).

celebratur : 'is frequently visited', i.e. at the morning *salutatio.*

si uno basilicae spatio honestamur : 'if we are honoured by their taking a single turn with us in the basilica'. The *basilicae* were spacious roofed buildings, supported by columns and forming a portico, built round the Forum : they were used for the administration of justice, and also as meeting-places for business men, like our Exchange and the Bourse. At this time there were two, the Porcian, built by Cato the Censor (B.C. 184), and the Fulvian (B.C. 179). After the

introduction of Christianity, many of them were converted into churches.

§ 71. **fructum**: 'return for'.

si nihil ... tenue est: i.e. if the only return they can make, in order to show their gratitude, is to give us their vote, this is a mere trifle (*tenue*) and hardly worth consideration, since the ballot rarely came down so low in the *comitia centuriata.*

ut suffragentur, nihil valent gratia: 'for the purpose of securing the votes of others, their influence is nothing'. The reading in the text is Kayser's. There is great doubt, however, whether *suffragari* can bear the meaning given, especially when coming so close upon *praeter ipsorum suffragium*, which seems to require that it be taken in its usual sense, 'to give one's vote in favour of another'. Perhaps the best way out of the difficulty is to omit the words altogether (with Landgraf, who also omits *ipsi*) as a marginal note upon *praeter ipsorum suffragium.* See Critical Appendix.

loqui ... dicere: observe the distinction between these two words: *loqui* simply 'to say', while *dicere* conveys the idea of speaking oratorically, here 'to speak in the courts, to plead'.

neque ulla alia re ... compensari: *compensare* is also constructed with *cum;* cp. Hor. Sat. I. 2, 70, *cum mea compenset vitiis bona.*

legi Fabiae: nothing is known of this law; all that can be said is that it was apparently of later date than the *lex Cornelia* and *lex Calpurnia*, which dealt more with different kinds of *ambitus* than with the *sectatores,* who had not at that time developed into a nuisance.

quod erat L. Caesare factum: in B.C. 64 the Senate, in order to check the open bribery carried on by Antony and Catiline, brought forward a new and more stringent law against *ambitus;* it was, however, vetoed by the tribune Q. Mucius Orestinus. This is generally considered to be referred to here: but Halm, in view of the phrase *quod est* factum (implying that the measure actually passed, and hence cannot be the one above mentioned) refers to a *senatus consultum*, concerning which nothing further is known.

restiterunt: 'paid no heed to it': they preferred to run the risk of punishment.

vetere instituto officiorum: 'old-established method of showing respect'.

§ 72. **spectacula**; '*seats*' from which to see the games.

vulgo: cp. § 67.

more et modo: 'according to custom and in moderation'.

conquestiones: see on § 7.

quantum ... punctorum: 'how many votes'. Before the introduction of separate ballots, a 'point' or 'dot' was made on a waxen tablet, as a sign of a vote; cp. Hor. ars poet. 343, *omne tulit punctum, qui miscuit utile dulci;* ib. epp. II. 2. 99, *discedo Alcaeus puncto illius.*

nobis: i.e. you and I, at the time when I supported your candidature.

in foro: where the gladiatorial shows were held.

tribulibus: it is to be noticed, however, that the charge against Murena was, not that he gave free seats to *some* only, but to *all* the members of the tribe.

C. XXXV. § 73. The words in italics are conjecturally inserted by Halm and Nohl to fill up the lacuna in the MSS.

praefectum fabrum: 'chief engineer'. These officials held an important position: repaired damaged armour, kept siege materials in order, built bridges, and probably superintended mining operations.

tabernas: 'whole booths'.

in tuam nimiam diligentiam coniecta sunt: 'were referred to your excessive industry' in getting up charges against others.

convince: i.e. prove that they *were* hired.

L. Natta: stepson of Murena, and brother-in-law of Clodius, who, when Pontifex, assisted in the pulling down of Cicero's house.

hoc officium necessitudinis: i.e. assisting Murena in his candidature for the consulship, owing to the relationship between them, by gaining for him the good-will of the knights.

ad reliquum tempus: i.e. with an eye to *his own* advantage on some future occasion.

fraudi: 'harm, prejudice': only used in this sense in the legal expressions *fraudi esse* and *sine fraude.* Cp. Liv. I. 24, 5, *quod sine fraude mea populique Romani Quiritium fiat, facio.*

locum suum: amongst other privileges, the Vestals had the right of a distinguished place at the public shows. The charge was that one of them, a relation of Murena, had given

up her place to him, that he might in turn bestow it on some one else.

munia: 'obligations'. This sense is very rare in Cicero, and does not occur in Caesar: it is general in Livy and Tacitus.

§ 74. **at enim**: does not here introduce an objection (as in § 78).

verum: right'; cp. Horace, Epp. I. 7, 98, *metiri se quemque suo modulo ac pede verum est:* Sat. II. 3, 312, *an quodcunque facit Maecenas te quoque verum est* (facere)?

corrumpi: 'tampered with'.

condemnetur: 'is he to be condemned?' Dubitative Subjunctive: see on § 21.

quippe: 'Yes, certainly', ironical; cp. de fin. v. 28, *quem hunc appellas, Zeno? beatum, inquit. etiam beatissimum? quippe, inquiet. Scilicet* is similarly used.

mihi: Ethic Dative.

gubernacula: always Plural in the figurative sense.

tu ... petas: 'do you mean to tell me that you aim at, are you to aim at?'; cp. § 22.

fovendis sensibus: 'by tickling the senses'.

grege: 'crew'; cp. Hor. Od. I. 37, 9, *contaminato cum grege turpium.*

horribilis ... respuit: 'awful words! but custom, public life and character, and the very spirit of Roman citizenship reject them'.

cotidianis epulis: the Spartan *συσσίτια* or *φειδίτια* (Cretan *ἀνδρεῖα*), of which all the citizens partook, without any distinction of age or rank. The seats were bare boards without cushions, and they sat upright instead of reclining after the Roman fashion.

in robore: 'on bare benches', without any cushions. Halm quotes Athenaeus, IV. 20, *ἐπὶ κλιντηρίου ψιλοῦ.*

cubans: they sat at meals, instead of reclining; cp. Athen. IV. 22 (quoted by Halm), *Πυργίων δ' ἐν τρίτῳ Κρητικῶν νόμων ἐν τοῖς συσσιτίοις, φησὶν, οἱ Κρῆτες· καθήμενοι συσσιτοῦσι.* The Romans also originally sat at meals, until the custom of reclining on couches was introduced from the East.

alteri: the Cretans, who were conquered by Q. Caecilius Metellus (consul B.C. 69), and their territory reduced to a Roman province. Metellus received the cognomen of

Creticus. As, however, it is said that it took him three years to subdue the island, Cicero's language is rather exaggerated. The Cretans had a bad name for avarice and untruthfulness.

uno adventu: cp. pro lege Man. VIII. 21, *urbes Ponti et Cappadociae permultas* **uno aditu adventuque** *esse captas.*

deleti = *devicti.*

conservant: after the capture of Corinth by Mummius (B.C. 146) and the reduction of Greece to a Roman province under the name of Achaia, several cities (amongst them Athens and Sparta) remained *liberae civitates*, and were allowed to retain their own laws and institutions.

C. XXXVI. § 75. **comprobat**: 'attests the value of'.

eodem ex studio: i.e. the Stoic school.

Q. Tubero: Lucius Aemilius Paulus Macedonicus (the conqueror of Perse(u)s, King of Macedonia, at the battle of Pydna) had four sons and several daughters. The eldest son was adopted by Q. Fabius Maximus, the second by P. Cornelius Scipio Africanus, the conqueror of Hannibal. The first adopted son had a son Q. Fabius Maximus (referred to in the next sentence) who was consul B.C. 121, and gained the cognomen of Allobrogicus by his victory over the Allobroges. The second son, Publius Cornelius Scipio Aemilianus Africanus Minor, was the destroyer of Carthage (B.C. 146) and Numantia (B.C. 133). One of his daughters married Q. Aelius Tubero, by whom she had a son, the Q. Tubero mentioned here. He was a pupil of Panaetius of Rhodes.

LUCIUS AEMILIUS PAULUS

Elder son adopted by Quintus Fabius Maximus and became Quintus Fabius Maximus Aemilianus.	Younger son, adopted by Publius Cornelius Scipio, and became Publius Cornelius Scipio Africanus Minor.	(Daughter by another wife) Aemilia Prima = Quintus Aelius Tubero.
Quintus Fabius Maximus, who gave the banquet here mentioned (B.C. 129).		Quintus Aelius Tubero, the Stoic here mentioned.

epulum: generally used of official, solemn, or religious banquets, as distinguished from **epulae**, banquets of a festive kind; the reference is here to the 'funeral banquet' in honour of the younger Africanus (B.C. 129).

nomine: 'in honour of'.

triclinium sterneret: referring to everything connected with the 'setting out of the table', the food and wine being supplied by the giver of the banquet.

pelliculis haedinis: whereas they ought to have been covered with expensive cloth, with purple and embroidery (*stragula vestis*). Note the contemptuous diminutives *pelliculis* and *lectulos*.

lectulos Punicanos: 'benches made of wood, after the Punic fashion'; cp. Isidorus, Origines, xx. 11, *lectuli Punicani, parvi et humiles et lignei: nam huiusmodi lecti ex Carthagine primum advecti sunt;* Seneca, Ep. 95, 72, 3, *Tuberonis ligneos lectos, cum in publicum sternerent, haedinasque pro stragulis pelles et ante ipsius Iovis cellam adposita conviviis vasa fictilia;* ib., *omnium illorum aurum argentumque fractum est et milies conflatum: et omnibus saeculis Tuberonis fictilia durabunt.* The *lecti* should properly have been of silver or ivory.

exposuit: 'put on table'.

vasa Samia: Samian earthenware was very common and brittle: cp. Plaut. Men. 182, *placide pulta. metuis, credo, ne fores Samiae sient.* The proper thing to use was silver or bronze.

quasi vero ... et non: 'as if' (ironical) ... 'and not rather ...': cp. pro Rosc. Am. § 92, *quasi vero nunc id agatur ... ac non hoc quaeratur.* So in Greek ὥσπερ ... ἀλλ' οὐ; Isocr. Areop. § 1, ὥσπερ τῆς πόλεως ἐν κινδύνοις οὔσης ... ἀλλ' οὐ ... κεκτημένης.

Diogenes: of Sinope, the Cynic philosopher. His eccentric life is well known. The chief aim of his philosophy was practical good; he despised literature and the fine arts. The Cynics generally were distinguished for their moroseness and ostentatious contempt for ordinary enjoyments. The name is either derived from the Cynosarges (where Antisthenes, the founder of the school, taught) or from the dog-like temperament of its followers.

supremo eius die: 'on the day of his funeral', as we should say. *Supremus dies* is used for 'the day of burial' as well as for 'the day of death'; cp. Liv. II. 61, 9, *plebs fraudari sollemni honore supremum diem tanti viri noluit.*

laudaret: the funeral procession stopped at the Forum, where an oration (*laudatio*) was delivered in praise of the dead by a near relative or colleague, the body in the meantime being placed in front of the Rostra, from which the speech was delivered.

perversam sapientiam: 'misapplied, ill-timed philosophy'.

praetura deiectus est: the people were so disgusted with his stinginess, that they refused to vote for his appointment to the praetorship.

nam quod ais ... suscipias? The general sense is: If, as you say, merit is the only thing that ought to carry weight in the appointment to public offices, why do you, who are a man of such merit, seek the support of others? Perhaps you may say that your object is to take me under your protection as a magistrate; surely in that case it would be more fitting that I should first ask you to do so, rather than that you should offer it.

§ 76. **sordes et inhumanitatem**: 'meanness and want of manners'.

ratione: 'by a due regard of duties and circumstances'.

praesis: i.e. as a magistrate.

§ 77. **nomenclatorem**: candidates, when going round to gain the favour of the people, paid the citizens visits at their houses, and shook hands with those they met (*prensare*): as this would be more effectual if they were able to address them by name, they were generally accompanied by a *nomenclator*, or slave, whose business it was to whisper to them the names of the citizens; cp. Hor. Ep. I. 6, 50, *mercemur servum, qui dictet nomina.* In earlier times the practice was not allowed; cp. Plutarch, vit. Cat. 8, *νόμου γραφέντος, ὅπως τοῖς παραγγέλλουσιν εἰς ἀρχὴν ὀνοματολόγοι* (*nomenclatores*) *μὴ παρῶσι.*

fallis et decipis: 'mislead and deceive'; the distinction between these two words is said to be 'that *fallere* denotes that we are deceived by something which we do not know in the character of the person or thing deceiving; *decipere*, by something which we hear, see, or know; or, that *fallere* implies being deceived by something negative or indirect; *decipere*, by something positive or direct'.

nam si ... salutas: Cicero says that Cato is equally guilty of deception, whether he knows the names of his fellow-citizens or not, if he employs the services of a *nomenclator*. If he does not know them, it is deception to pretend that he does, while all the time he has never heard of them until instructed by the *nomenclator*. If he does know them, it is equally a deception to pretend that he does not, and ostentatiously ask the *nomenclator* the name first without waiting for him to tell you as a matter of form. The passage *sin etiam ... salutas* is thoroughly corrupt: the reading in the text may be translated, 'But if, even though you are acquainted with them, their names must nevertheless be mentioned by your *nomen-*

clator (*monitorem* = *nomenclatorem*), why do you ask who they are before he has called out the name?' See Critical Appendix.

ad rationem ... derigas : 'judge by the standard of the state', i.e. in accordance with what the relations between the citizens require.

disciplinae : i.e. the Stoic school.

reperiantur : not so strong as the Indicative *sunt*.

pravissima : as a moral term, 'crooked', as opposed to *rectus*, 'straight'.

fructus : 'enjoyment, gratification'.

comparaverunt = *instituerunt*, 'established, instituted'; cp. pro Rosc. Amer. § 153, *acrius quam more maiorum comparatum est.*

liberalitatem : 'generosity'.

C. XXXVII. § 78. **at enim** : cp. § 38, 'Well but, you may say'.

res publica : 'the interests of the state'.

imprudentia : i.e. from your ignorance of what these interests really require, viz. the acquittal of Murena.

tantum : 'merely this'.

despexit atque contempsit : *contemnere* is to set little value upon : *despicere*, to look down upon as beneath one.

copia : more commonly used in the plural in the sense of 'forces'; cp. *copias illius* below. Zumpt says : *paulo post plurali numero copias Catilinae in urbe relictas esse ait, nulla alia, ut censeo, de causa quam ut plures coniuratos Romae quam extra esse iudicet : unum hominum globum secum eduxit, complures globos reliquit.*

intus : cp. in Cat. II. 11, *intus insidiae sunt, intus inclusum periculum est, intus est hostis.*

§ 79. **quas hic video** : Lentulus and the others had not yet been punished.

in, 'as a standing menace to'.

cervicibus : Hortensius is said to have first used this word in the singular. Cicero and Sallust always use the plural ; Livy always the singular referring to one person, sometimes the plural and sometimes the singular referring to more than one, and always the plural when the word is used figuratively. The word probably originally meant 'neck-*bones*'.

natura : 'character' : **fortuna** : 'position', i.e. a man of means.

in campo : see § 52.

domi meae : referring to the attempt made by the knight, C. Cornelius, and the senator, L. Vargunteius, to enter his house and assassinate him at daybreak : Cicero, however, was informed of the plot during the night, and was able to take precautionary measures. He frequently alludes to similar previous attempts. See in Cat. I. § 9; Sallust, bell. Cat. 28.

his vos si = *hi, si vos iis.*

egi : 'have striven to bring about'; cp. pro Flacco, 98, *defendi item consul L. Murenam, consulem designatum : nemo illorum iudicum clarissimis viris accusantibus audiendum sibi de ambitu putavit, cum, bellum iam gerente Catilina, omnes me auctore duos consules Kalendis Ianuariis scirent esse oportere.*

§ 80. **mediocribus** : 'ordinary, half-hearted'. The words in italics are inserted by Urlichs.

quaeritur : 'is their object'.

in exitu : the new consuls would come into office on the 1st of January.

C. XXXVIII. § 81. **non videtis ... nonne prospicis ?** Questions introduced by *non* are more emphatic than those introduced by *nonne.* This sequence is less common than *nonne ... non.*

anni tui : i.e. the year of your office as tribune.

intonuit : cp. Liv. III. 48, 4, *cum haec intonuisset plenus irae*, with reference to *tempestatem* before.

designati tribuni : Q. Metellus Nepos, who strove to secure the return of Pompey in order to put down the civil disturbances at Rome and prevented Cicero, on the expiration of his consulship, from discussing the state of public affairs ; later on, when consul B.C. 67, he was chiefly instrumental in procuring the recall of Cicero.

qui te ... vocaverunt : Cato, when he heard that Metellus intended to come to Rome to offer himself as a candidate for the tribuneship, hesitated to stand himself, although he had not previously intended to do so.

ab eo tempore : 'the consuls elect for the year B.C. 65, P. Autronius Paetus and P. Cornelius Sulla, had been prosecuted and condemned for bribery ; and thereupon the people elected the rival candidates, L. Aurelius Cotta and L. Manlius Torquatus. Then Catilina and Autronius, by the interven-

tion of Cn. Calpurnius Piso, a young patrician spendthrift of the highest resolution, joined in the atrocious design of murdering the consuls, and several of the most distinguished senators besides, during the solemn sacrifice in the Capitol of Jan. 1st, of seizing the consular power for themselves, and of sending Piso with an army to Spain in order to take possession of the province.... But inasmuch as the scheme got wind, its execution was postponed until the meeting of the senate on Feb. 5, when the massacre was to have been made a general one. The atrocious design was however again frustrated, for Catilina gave the signal to the conspirators before the senate-house too soon, when as yet but an insufficient number of armed men had appeared': Halm, Introd. to the Catilinarian Orations, § 5, translated by Prof. Wilkins.

§ 82. **meo nomine**: 'on my own account' (cp. § 75), i.e. because they have any personal hatred against myself.

agunt et moliuntur: 'purpose and set about'.

fore: i.e. *ut non sufficiatur consul;* since the tribunes by their veto could put off the elections.

D. Silanum: Decius Junius Silanus, brother-in-law of Cato, the other consul elect.

te sine consule: compare above, *consulari auctoritate ... tribuniciam.*

§ 83. **est tuum**: 'it is your duty'.

non cupidum: 'not ambitious'.

fortuna: cp. § 79.

animo et usu: 'courage and experience'.

quod velis = quodvis.

C. XXXIX. Here commences the **Peroratio**, or **Epilogus**, containing the *adhortatio* and *commiseratio*, concluding with the *commendatio* of Murena.

quamquam: 'and yet, however'.

tenetis = *sustinetis;* cp. § 58.

consilio: 'band of advisers'.

rationes illius: 'his interests'.

contra suum furorem = *quo suo furori resistant.*

amplissimis ex ordinibus: i.e. the senators and knights.

importunissimus: 'most ruthless'.

§ 84. **mihi credite**: see on § 40.

resistamus: 'regain our footing': a very rare meaning of the word.

apud Anienem: when Hannibal advanced upon Rome (B.C. 211), his object being to force the Romans to abandon the siege of Capua: Liv. XXVI. 10, *inter haec, Hannibal ad Anienem fluvium, tria milia passuum ab urbe, castra movit.*

nonnemo: 'one or two' (R. § 897): referring to some of the senators who were implicated in the conspiracy.

sacrario: 'sanctuary'.

faxint: such forms are very common in Plautus, Terence, and older writers: but after the time of Terence (died B.C. 159) *faxo, faxis, ausim, ausis* are almost the only ones that occur in Cicero, Livy, and Tacitus, and then only when they are firmly established in popular language or legal formulae: see R. § 291-3, where an account of the former is given.

meus collega: Gaius Antonius Hybrida, the uncle of the triumvir. He had originally been in league with Catiline, but was detached from his cause by Cicero, who gave up to him the province of Macedonia. He was afterwards brought to trial and banished for extortion, and for having made war beyond the limits of his province.

latrocinium: 'brigandage', or abstract for concrete, 'band of brigands': so *remigium = remiges, immanitas = immanes homines* (Cicero): *φυγή = φυγάδες* (Thuc.). The word *latro* originally denoted a mercenary soldier, one who served for pay (*λατρεύειν*).

togatus: 'in the garb of peace': the consuls, when setting out on any warlike expedition, put on the *sagum* or military cloak.

discutiam et comprimam: 'tear in pieces and crush', or 'squeeze the life out of it'.

§ 85. **haec**: 'these dangers'.

annum, qui consequitur: in this sense *sequitur* is un-Ciceronian.

redundarint: 'overflow'.

occupatus: all his time will be taken up in dealing with the opposition of evil-disposed tribunes.

hunc iam ... minatur: this passage is imperfect in the MSS. The words inserted in italics are due to Madvig and Nohl.

prorumpet: from the Apennine passes.

versabitur: 'will be rife'; **exercitus**: the armed partisans of Catiline.

ornata: 'equipped'; **suis**: 'proper, needful'.

C. XL. § 86. Here begins the Commiseratio, or appeal to the feelings.

potior debet esse: 'ought to carry more weight'.

moneo ... hortor ... obtestor: note the Climax (see § 10): 'recommend ... exhort ... implore'.

ut ne: 'In object-clauses after verbs denoting a wish or effort [such as *obsecro* here] *ut ne* is often used instead of *ne*, by which is expressed first of all the object or design in general, and afterwards the negation': Madv. § 456.

gratulationem: on his successes against Mithridates.

obruatis: 'stifle'.

corporis morbo: see § 47.

municipium: Lanuvium: see Introd. § 1.

squalore et sordibus: see § 42: 'sackcloth and ashes'.

perditus: 'worn out'.

intuetur: 'looks anxiously towards'.

§ 87. **re**: i.e. the consulship.

honestatibus = *honoribus*, only used here in this sense in the plural. In pro Sestio, 51, 109, it = honourable men.

ut levissime dicam: 'to put it mildly'.

demisso: in a good sense: i.e. 'modest' not 'abject': cp. Hor. Sat. I. 3, 57, *multum demissus homo. Demissioni animi* has been conjectured.

spoliatio: 'the being deprived of', passive.

invidiam habere: cp. on § 68.

§ 88. **praeclaro**: ironical; cp. § 22.

C. XLI. **adflixeritis**: 'dash him to the ground'.

in sua gratulatione: on the day when he received congratulations on being *consul designatus*.

§ 89. **nova poena**: the penalty of 10 years' exile, imposed by the lex Tullia: see Introd. § 9.

huius: Murena; **illius**: his brother.

summo cum imperio: he was propraetor.

C. Murenam: he had been left there by his brother as his *legatus*, when he went to Rome to prosecute his candidature for the consulship.

perturbatio: 'sudden change, upsetting'.

celebrarint: 'spread the news'.

§ 90. **beneficium**: see § 2.

date: 'make this concession to', 'do this out of regard for'.

frequens: 'in crowds'.

Iunonis Sospitae: her worship was introduced at Rome in B.C. 338, after the final subjugation of the Latins. There was also a temple in her honour in the Forum olitorium (vegetable market); cp. Cic. de nat. deor. I. 29, 82, *illam nostram Sospitam, quam tu numquam ne in somnis quidem vides, nisi cum pelle caprina, cum hasta, cum scutulo, cum calceis repandis. at non est talis Argiva nec Romana Iuno.*

facere: 'to sacrifice' = ῥέζειν, ἔρδειν; cp. Virg. Ecl. III. 77, *cum faciam vitula pro frugibus.*

suum: as belonging to the district.

momenti: 'weight': see on § 3: **confirmatio**: 'arguments', what I bring forward by way of proof.

bonorum: Masculine.

CRITICAL APPENDIX.

THIS speech was unknown to the learned men of Europe before the fifteenth century. In the year 1418 Fr. Poggio brought with him from Gaul the original MS. (or a copy of it) to which all the other MSS. are to be referred. The original is described by a contemporary as being in a dirty and dilapidated condition, in places quite illegible (exemplar vetustate decrepita, quod vir doctissimus Poggius ex Gallia reportaverat, qui et huius orationis [pro Roscio Amerino] et alterius pro Murena repertor hac aetate fuit). It is now lost.

Any attempt to discuss the value or relation of the different existing MSS., or an elaborate critical appendix would be out of place in a school edition, but, considering the amount of attention the speech has received during the last ten years from Continental scholars, and the numerous alterations that have been introduced into the text, a few of the most important variations may perhaps be here subjoined with advantage. Some are also mentioned in the Notes.

§ 3. **a me iam]**: for iam (Klotz) the MSS. have una, for which Lambinus gave uno. Various conjectures have been proposed: manu (Koch), cuncta (Halm), mea vice (Teuffel), in manum (Müller), rei publicae a me ruina (Madvig), universa (Landgraf), ita traditur ... [ut] ... [est] sustentata (Weidner).

§ 4. **ingrediantur]** ingrediuntur (Zumpt).

locorum] scopulorum or saxorum (conj. Landgraf).

§ 5. **tuleram ... abrogarem]** tulerim ... abrogarem (MSS.); tulerim ... abrogarim (Wesenberg); tuleram ... abrogarem (Bake).

§ 7. **ausis sis]** ausus es (Halm).

§ 8. **adfui]** favi (Zumpt).

sic existimo ... deponere] sic et si ceperis eos cum adeptus sis deponere (MSS.); quibus laboribus haec ceperis, eos cum adeptus sis, deponere (Halm); quibus laboribus ea expetieris, eos (Koch); istam, si cuperes, ea cum adeptus sis, deponere (Landgraf); si ea (sc. praemia) adipiscendi causa labores susceperis, eos, cum adeptus sis, deponere (conj. Iv. Müller); the reading in the text is due to Madvig, except existimo (Nobel), for which Madvig conjectured censeo.

§ 9. **quem contra veneris**] quem contra amicum iuveris (Weidner).

§ 11. **paene**] aperte (Steuding).

§ 12. **finem ... fuisse**] Campe proposes fecisse.

§ 13. **ex scurrarum aliquo convicio**] scurrarum aliquod convicium (Halm) omitting ex, convivio (Koch).

tempestivi] intempestivi (Zumpt).

§ 17. **iacebant**] id agebant (conj. Badham). Muther considers that a line has fallen out on account of the rare construction *commemorandis iacebant*, and that Cicero wrote something like commemorandis [parum defendebantur, quoniam illorum virorum laudes paene iam in oblivione] iacebant.

§ 18. **tractatum**] transactum (conj. Halm).

§ 21. **gratiam**] operam meam (conj. Campe).

§ 23. **dilexisti**] didicisti (MSS.).

§ 25. **capsis**] causis (MSS.).

§ 27. **putarent**] putarunt (Müller).

§ 30. **aliqui motus novus**] aliquo motu novo (Halm); aliquis hostis novus (Koch); aliquis motu novo (Zumpt).

coepit] coegit (Franken; C. F. W. Müller).

§ 32. **ut ego mihi statuo**] statuam (MSS.).

cum bellum invectum ... confecisset] cum bello invectum totam (Zumpt); cum bellum invexisset totum (Niebuhr, Halm); cum bellum invexisset totam (Kayser): the insertion of *confecisset* is due to Lehmann.

spe conatuque] ipse conatu (Zumpt).

§ 33. **perfecta**] perempta (C. F. W. Müller), i.e. the plans (consilia) of Mithridates.

§ 34. **nomen**] animum (Campe).

adierat] adiecerat or adiunxerat (Roscher).

arbitraretur] arbitraremur (Lambinus and Orelli); putaretur (Halm).

§ 36. **obscura est**] Boot inserted causa.

§ 37. **omnis**] omnes (Landgraf).

§ 39. **delectatione communi**] relaxatione animi (Madvig).

§ 42. **catenarum**] Conjectures are numerous: calumniatorum (Hoche); calumniarum, chartarum, testium, latebrarum, tabularum, tabellarum (minutes of evidence), cantilenarum (the formulae constantly recurring in legal processes [e.g. qua de re agitur]).

§ 43. **semper**] saepe (Landgraf).

§ 44. **declamatio**] denuntiatio (Madvig).

§ 45. **totam rem**] testam (MSS.); statim (C. F. W. Müller); incertam (Landgraf) omitting aut; ut desertam (Halm); desperatam (Ernesti); molestiam omnem (Kayser).

§ 47. **perrogationem**] prorogationem (Zumpt).

§ 49. **cretae ipsae candidatorum obscuriores videri solent**] certe ipsi candidatorum obscurior ei (or obscuriores) videri solet (MSS.); the emendation is due to Madvig, who says, Adv. crit. III. p. 132, iocans Cicero desperantium candidatorum ipsas togas obscurari significat, pro togis *cretas* nominans, quibus infici, ut albae niterent, solebant. C. F. W. Müller suggested almost the same independently: creta ipsa cand. obscurior evadere solet: certe spes (Tischer).

cum spe militum] multorum (Kornitzer); inani (Zumpt); consulatus (Halm); ope militum [i.e. Sullanorum] (Heine); familiarium (Landgraf); satellitum (Hammer); cum spe tum (Nohl) omitting militum.

ei] Landgraf reads mihi instead of ei, on the ground that, after Sulpicius had given up his candidature, he was no longer to be looked upon as a rival, but rather a friend of Catiline; and translates *suum accusatorem*: 'an accuser of Murena, and so *favourable to himself*'.

§ 50. **replere**] reparare (Pluygers).

§ 52. **lata**] Various conjectures have been proposed: alata, aerata, caelata, hamata, late insigni; Landgraf comparing Plut. Cic. 14 (*τοῦ δὲ θώρακος ἐπίτηδες ὑπέφαινέ τι παραλύσας ἐκ τῶν ὤμων τοῦ χιτῶνος*) proposes soluta or laxata.

§ 55. **summum**] unum (MSS.); in hunc (C. F. W. Müller); ultimum (Mommsen).

§ 56. **nobis videbatur**] nobilis erat (MSS.); [nobis] erat (Koch).

§ 60. **non possum**] nolo (Boot).

§ 62. **dixisti quippiam : fixum**] dixisti : quippe iam fixum (MSS.).

§ 63. **moderatas**] Halm would read moderandas ; he also regards quod nesciat above as a gloss.

§ 64. **aut si posuisses**] aut seposuisses, 'would have suppressed it' (Koch) ; si pronuntiasses (Kayser) ; si potuisses (Halm) ; si dixisses (Campe). Landgraf considers that posuisses is due to posuisset above, and reads certe postea.

§ 65. **nihil gratiae concesseris**] nihil gratiae causa feceris (v.l.).

§ 68. **indicare**] iudicare (MSS.).

§ 70. **ut suffragentur**] si ut suffragentur (MSS.) ; sed ut suffragentur (Halm) ; sive or sin suffragantur (Madvig). Kornitzer reads qui ut suffragentur = 'for though they vote for their own candidates', which is merely another way of putting praeter ipsorum suffragium : see note on text.

§ 76. **quid tandem ? istuc**] quid tandem istunc or ais tunc (MSS.) ; quid tandem ais ? num (Kayser) ; quid tandem vis ? utrum (Hirschfelder) ; quid tandem ais ? utrum (Landgraf).

cur ante petis quam nomen citavit] curam petis quam inceravit (MSS.) ; cur nomen petis quasi incertum sit (Tischer) ; cur appellas priusquam insusurravit (Koch) ; cur ante manum porrigis (referring to the prensatio) quam inculcavit, 'before he has impressed the name upon you' (Landgraf).

§ 85. **in rostris**] in urbe (Halm).

§ 87. **contionibus**] contentionibus (F. W. Schmidt).

INDEX.

) (= *contrasted with. In the Notes R. = Roby's Latin Grammar for Schools.*

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